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HUMAN RIGHTS COMMISSION HEARS ADDRESS BY FOREIGN MINISTER OF URUGUAY

Reviews Preparation For 1993 Human Rights Conference, Report of Subcommission

GENEVA, 13 February (UN Information Service) -- The Commission on Human Rights this afternoon began to review the preparations for the 1993 World Conference on Human Rights, a gathering which, according to the Minister for Foreign Affairs of Uruguay, Hector Gros Espiell, must lead to a revitalization of the promotion and protection of human rights.

The Conference, said Mr. Gros Espiell, must represent the whole of the international community and not reflect the particular criteria or political conception of any one region.

Opening the discussion on the Conference, the Under-Secretary-General for Human Rights, Jan Martenson, announced that the Government of Germany would not be able to host the Conference as it had proposed last year. He said that, in a letter to the Secretary-General, Foreign Minister Hans-Dietrich Genscher of Germany had stated that the conditions described by the United Nations as essential to the holding of the Conference could not be met. Nevertheless, the German Government remained committed to the goals of the Conference.

Also this afternoon, the Commission concluded its general debate on the human rights of persons subjected to detention or imprisonment, and it continued to review the work of its Subcommission on Prevention of Discrimination and Protection of Minorities on the basis of the report of that body's forty-third session.

Taking part in the discussion were the representatives of Cuba, Senegal, New Zealand, Norway, Nicaragua, Switzerland, Poland, United States, China, Russian Federation, Hungary, Chile, Australia, Brazil, France, Netherlands and Canada.

Also participating were the following non-governmental organizations: Women's International League for Peace and Freedom, World University Service,

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World Student Christian Federation, African Association of Education for Development, Christian Democratic International, Liberation, World Health Organization and Indian Council of South America.

The representatives of Guatemala, Portugal, Indonesia, Philippines and Iraq exercised the right of reply.

Statement by Foreign Minister of Uruguay

In his statement, HECTOR GROS ESPIELL, Minister of Foreign Affairs of Uruguay, said he was proud to represent a Government which had been elected by the people and which had full respect for democracy and human rights. In the regional framework, Uruguay was part of the American Convention on Human Rights. Human rights meant civil and political, social, economic and cultural rights. If all human rights were not appreciated, peace and security were not realizable. Democracy was also vital for full respect of human rights. Self-determination as a freedom could not be claimed by a people who had not freely expressed their will. In view of the current grave ecological situation, the right to life and the right to a healthy environment had become closely linked. That was the result of changing and new needs of the human race.

He went on to say that the disappearance of the Soviet Union provided the best evidence that only democracy could exist indefinitely. Economic progress made respect for human rights a reality.

The Commission was not a court, he said. It was a forum for analysis, dialogue and complaints. Monitoring of specific violations of human rights had to be the decision of a juridical body. He looked to the 1993 International Conference on Human Rights to strengthen universal awareness and to revitalize the promotion and protection of human rights. The Conference should be universal and should not reflect any particular political conception.

MIGUEL ALFONSO MARTINEZ (Cuba) said the issue under discussion had attained increasing importance due to the growth of the penal population in the world in the last decade. The United States had recently surpassed the mark of one million persons in prison. That figure bestowed upon that country the sad privilege of having the largest prison population: 426 of every 100,000 persons were in jail. But even that high index paled in comparison to the number of African-Americans in jail: 3,109 for every 100,000. Not even South Africa could match those figures. Meanwhile, at the end of 1990, 2,356 persons were waiting to be executed in the United States.

Referring to the Working Group on Arbitrary Detention, he said Cuba had taken part in the process that had given birth to that new special procedure. Cuba had been among the first countries to receive communications from the Group. The Government had promptly replied. It had also indicated to the Group that its working methods merited re-examination; the Group rightly noted in its report that in some cases it would have to examine the internal legislation of a country in order to determine whether a situation was arbitrary. However, when the Group indicated that it would do so in order to

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establish whether international law was in conformity with international standards, it erred by omission. It did not mention that those norms had to have been accepted by the States concerned, as stated in the Group's mandate.

ALIOUNE SENE (Senegal) urged universal adherence to the Convention against Torture. He said Senegal had been among the first African countries to sign the Convention, in 1986. The rights protected by the Convention could not be put into effective use without true independence for the judiciary, because a judicial system under pressure became a lever for the political powers to use in maintaining their supremacy and in hiding their own human rights violations. Senegal was making great efforts in that area and could benefit from greater coordination with United Nations agencies and especially from consultative services.

As to the right to free expression, he said that matter had particular importance in view of current trends in societies of mounting intolerance, xenophobia, and extremism of all sorts. The problem was thus: was it necessary, in the name of the absolute principle of freedom of expression, to accept or tolerate appeals to racial violence and the exacerbation of political discrimination, or, on the contrary, to establish some restrictions to that liberty to fight violent extremism?

ALASTAIR BISLEY, observer for New Zealand, said his country wholeheartedly supported the mandates of the thematic mechanisms established by the United Nations to protect and promote the human rights of the men, women and children subjected to serious human rights abuses. The Special Rapporteur on Torture had produced a report which was thorough and most disturbing. The practice of torture continued, and States had failed to fulfil their human rights responsibilities. New Zealand had been making modest contributions to the United Nations Voluntary Fund for Victims of Torture and suggested that other Governments also contribute to that worthwhile Fund.

He went on to say that the statistics in last year's report of the Working Group on Enforced or Involuntary Disappearances had offered a glimmer of hope that the political changes in many regions of the world would be accompanied by a steady downward trend in that phenomenon. But New Zealand was disappointed that the number of cases received by the Working Group for investigation in 1991 showed an unprecedented resurgence of the problem in some countries. In Sri Lanka, there was evidence of a particularly disturbing situation. However, he noted the Sri Lankan Government's cooperation with the Working Group to date, and the steps already taken to address the situation.

H. HJELDE (Norway) said that, while the Special Rapporteur had noted that there was universal awareness that torture was one of the most heinous violations of human rights, that practice continued apace. Governments willingly endorsed campaigns against torture on the international level, but they often practised or condoned torture as a political tool on the national level. It was a legal obligation and a humanitarian duty of the international community to strive for the elimination of such abhorrent practices.

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He was worried by reports of the role played by members of the medical profession in acts of torture, he continued. Norway agreed with the proposal to establish an open-ended working group to explore the idea of an Optional Protocol to the Convention against Torture and urged the Commission to adopt, without a vote, the draft Declaration for the protection of persons against involuntary disappearance. Concerning "death squad" activity, the responsibility of the Governments to take effective measures must again be raised as a matter of paramount importance. Norway had consistently supported the strenghtening of thematic mechanisms of the Commission. Together with the country-specific rapporteurs, those mechanisms had become indispensable tools in the process of improving the protection of human rights worldwide.

JORGE ALVANIZ, observer for Nicaragua, emphasized that the 101 outstanding cases of disappearances attributed to Nicaragua in the report of the Working Group had all occurred under the previous régime. That did not diminish the Government's commitment to solving them, however, he said. The situation that had prevailed between 1979 and 1990 had left in its wake much confusion as a result of a mass population displacement. Ten per cent of the population had left their places of residence or of origin. Despite the recent flow of returnees, tens of thousands of Nicaraguans had still not come back to their country.

The report, he said, had also referred to the law of amnesty decreed in Nicaragua, and it had concluded that a climate of impunity prevailed in the country. But without that amnesty, the reduction of the army from 79,737 to 28,434 would not have been possible. The disbanding of the Nicaraguan resistance would equally not have occurred without the law. Mass trials would have fanned hatred and rancour, making the post-war violence even worse. He regretted the political judgments passed on the Government of Nicaragua by the Working Group in its report.

ALAIN GUIDETTI, observer for Switzerland, said that, whenever the Working Group on Arbitrary Detention noted incompatibility between internal and international law, it should advise the State concerned that the latter law had priority over the former. States which had not yet replied to the Working Group should do so. Those States were China, Iran, Libya, Malawi, Morocco, Myanmar, Peru, Laos, United Republic of Tanzania, Sudan and Turkey.

He said the Special Rapporteur on torture had contacted 65 Governments after receiving serious allegations. He had sent 60 urgent messages to 31 Governments. The contradiction between the obligations undertaken internationally and their very imperfect internal realization illustrated the need to act on the two weak points of the system of protection against torture, namely the judiciary and the prevention mechanism. Switzerland had been involved in the creation of a preventive system within the framework of the draft Optional Protocol against torture which had received wide support from both States and non-governmental organizations. Switzerland had also supported the Voluntary Fund for Victims of Torture.

ZDZISLAW KEDZIA, observer for Poland, said that the fact that the Commission had decided to put the question of an Optional Protocol to the

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Convention against Torture on the agenda of the present session was a significant step forward. Repressive measures against perpetrators of torture and fact-finding procedures ex-post-facto needed to be supplemented by efficient preventive measures. Torture was too serious a violation of the dignity of the human person to be dealt with only by traditional methods of human rights protection. He requested the Commission to establish an open-ended inter-sessional working group to discuss the proposal for an Optional Protocol and to submit a report to the Commission's next session.

S. ABEYESCKERA, of the Women's International League for Peace and Freedom, said the report of the Working Group made it clear that the battle for the restoration of peace and dignity to the Sri Lankan people was far from won. Mechanisms and institutions which permitted disappearance, arbitrary arrest and detention and torture continued to exist. The State of Emergency and the Prevention of Terrorism Act, both pieces of legislation under which prolonged and incommunicado detention were permitted, remained in place despite repeated appeals for their withdrawal. Recent promotions in the police force led her organization to fear that members of the security forces would continue to act in the belief that impunity for their acts was assured.

The independence of the judiciary and the freedom of the press, she continued, were two further areas in which confidence had to be restored if there was to be a move towards eliminating human rights abuses by the Sri Lankan Government. Whether they be Tamil, Sinhala or Muslim, the women of Sri Lanka had paid the most bitter price for the political conflicts that gripped the island up to the present. She appealed to the international community to support a process whereby there could be movement towards a negotiated political settlement of the ethnic conflict in the country through the involvement of an international mediatory body such as the Commonwealth.

FREDERICK VLAMING, of the World University Service, spoke of countries where mainly students and members of the academic community had been victims of disappearances, arbitrary detention and torture. In Indonesia, he said, students had been arrested for having participated in informal study groups or for the possession and the distribution of banned literature. His organization was concerned that these students might be arrested and mistreated as a result of their use of the right to freedom of expression.

He said that in Burma, hundreds of students and academics had become victims of arbitrary arrests, arbitrary detention, disappearances and torture after having protested the continuing detention of Nobel Peace Prize winner Aung San Suu Kyi. The World University Service had received information about disappearances and the arbitrary arrest of students in Bhutan who had written and disseminated information about human rights violations in the country. Information had also been received that several schools and universities in Haiti which had openly shown their support for deposed President Jean Bertrand Aristide had been intimidated by the military, and an unknown number of illegal arrests of students had taken place.

C. BALAN SYCIP, of the World Student Christian Federation, speaking on behalf of 17 non-governmental organizations, said that in the Philippines in

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1991, there had been a total of 1,053 victims of arbitrary arrest and detention, of whom 177 were still detained as of the end of 1991, bringing the number of political prisoners in the country to at least 650. Additionally, during 1991, 135 persons had been subjected to torture. To its credit, the Government had taken certain actions, but none of its measures had as yet been effective in preventing the continuation of violations.

Courts had handed down convictions for politically-motivated killings, forced disappearances and torture by Government forces in only a handful of cases, he said. Redress for human rights violations remained practically non-existent. The recent initiatives by the Philippine Government and the reorganization of the police forces, though welcome, had to be accompanied by a sustained and high-level commitment to implementation of the reforms and the elimination of the factors that sustained impunity. The Government should initiate a thorough overhaul of both the law and the practice of habeas corpus and narrow the powers of arrest. Visits by lawyers and doctors to persons in detention should be made immediately after detention.

EYA NCHAMA, of the African Association of Education for Development, called upon the Commission to adopt the draft Declaration on the Protection of Persons from Enforced Disappearances. The world community failed to understand the persistence of this phenomenon, he said. He welcomed the recent release by Ethiopia of two international civil servants. However, the list of disappeared international civil servants was very long and required the Commission's attention. His organization supported the draft Optional Protocol to the Convention against Torture proposed by Costa Rica. The system of preventive prison visits would be more effective than the current intervention after the fact. All States should adopt the guarantees of habeas corpus into their legislation, thus providing an inbuilt protection for human rights.

JOSE ESTEBAN GONZALEZ, of the Christian Democratic International, said that several reports had been released concerning disappearance in the Philippines. One of the most salient aspects of those reports was the treatment given to the problem of impunity. In some of them the Philippines Government was almost accused of complicity in human rights violations. His organization was pleased that the Working Group on disappearances had remarked on the positive changes that had taken place in the Philippines with respect to human rights. The restoration of democracy did not automatically lead to full respect for human rights. That was especially true of countries that made the transition from dictatorship or which faced guerrilla warfare. Nevertheless, democracy was the only system liable to lead to respect for human rights.

While the Sandinistas had held power in Nicaragua, he continued, an international chorus of voices had ceaselessly parroted the official line, thereby denigrating the victims of that Government. His organization had been one of the few voices to denounce the Sandinista government. Sadly, recent events in Nicaragua, particularly the discovery of mass graves, provided evidence of violations under the Sandinistas. Some of those responsible were still exercising their official functions.

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LIN LI/ANTON PONRAJAH, of Liberation, said it was pathetic that the Sri Lankan Government failed to accept responsibility for most of the human rights violations committed by its security forces, vigilante groups, home guards and other groups. Over 25,000 persons were kept incommunicado in detention camps. In China, meanwhile, the purpose of the legal system was to protect the régime and the leadership of the Communist Party. When the purpose of the Chinese legal system came into conflict with the law protecting the rights of the individuals, the interests of the Party prevailed.

The Chinese Constitution and the Official "Chinese Human Rights Conditions" White Paper clearly stated that a citizen had the right to report officials for administrative misconduct, he continued. However, when the peasants of Lieu Zhuang County had actually exercised that right, they had been brutally punished with detention, public humiliation and prison. The Commission should encourage the Chinese Government to start a dialogue with the international community on human rights issues and to take genuine measures to improve the situation of human rights in China.

Statement by Under-Secretary-General for Human Rights

In an introductory statement on preparations for the 1993 World Conference on Human Rights, Under-Secretary-General for Human Rights Jan Martenson said he had suggested the holding of a world conference to the General Assembly in October 1989 because he felt that the immense changes going on in the world at that time made it important to look closely at the United Nations human rights programme. A world conference would provide the occasion to reflect upon the achievements in the field, to consolidate what had been reached, to identify the problems ahead and to assess what new directions should be pursued with respect both to machinery and to standards. It would also be the occasion for identifying priority areas of concern for the coming years, with the overall objective of making the United Nations system an even more effective tool for the achievement of the high ideals encompassed in the Universal Declaration of Human Rights.

Mr. Martenson then announced that the Government of Germany, which in May of last year had offered to host the World Conference, had indicated yesterday that it could not meet the conditions of the United Nations and therefore would not be able to host the gathering.

With regard to the overall preparations for the Conference, Mr. Martenson said a clear and workable procedural framework had been developed. The schedule of preparatory meetings and consultations had been confirmed, as had the basic aims and objectives of the Conference. There was also guidance on the outlines of the agenda and on the source and the orientation for studies and documents to serve the Conference. In addition, the allocation of the requisite financial and other resources for the Conference had been established.

The Conference must do more than reflect and take stock, he added. In the final analysis, the Conference was about a re-dedication to action. The legitimacy of international concern for human rights abuses could no longer be

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questioned. The World Conference must therefore be a springboard for solutions.

Preparations for World Conference

Before the Commission was a note by the Secretary-General (Document E/CN.4/1992/57) on progress in the preparations for the 1993 World Conference on Human Rights. The note detailed public information activities undertaken within the framework of the Conference, and contained the schedule of meetings of the Conference's Preparatory Committee and of the regional preparatory bodies. There was also information on the status of documentation and on the establishment of a voluntary fund to allow least developed countries to participate in the Conference.

Statement by Germany on World Conference

GERHART R. BAUM (Germany) said his country had been very honoured and grateful that the General Assembly had decided to convene the Conference in Berlin. He counted on the Commission's understanding of the particular situation which was set out in the letter to the Secretary-General. Germany regretted that result very much. He was confident that the Conference would, regardless of its venue, make a substantial contribution to the progress of human rights throughout the world. Germany would make every effort to contribute to that goal. Worldwide promotion and strengthening of human rights were a central element of Germany's foreign policy. The constitutional provisions concerning human rights which were binding for all State organs reflected Germany's past experience.

Against the background of some dark chapters in German history -- the period of national socialism as well as the regime which collapsed on November 1989, the maintenance of a high standard of human rights was especially incumbent upon the country, he said. Any incidence of xenophobia or discriminatory behaviour was followed with vigilance. Chancellor Helmut Kohl had repeatedly stated that the Government should vigorously fight any such tendencies.

The World Conference, he went on, should maintain its particular character as an extraordinary event of universal scope and resist any temptation to duplicate the work of the Commission or that of other regular human rights forums. The mandate of the Conference was basically to assess progress in the human rights field, identify obstacles to progress and propose means of overcoming them. When considering such proposals, the World Conference should include ideas such as the establishment of an International Court for Human Rights and the creation of a United Nations High Commissioner for Human Rights.

Statements on Subcommission

KENNETH BLACKWELL (United States), said that the Subcommission could do better. Subcommission Chairman Louis Joinet was to be commended for his leadership over the past year. He understood that the new conditions

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prevailing in the world required Subcommission reform. Some of the Subcommission's studies had been useful, but others had been either of marginal utility or had involved unnecessary detail and effort. There were too many rapporteurs and too many studies that were extended too many times. It was not just a question of funds but, more significantly, of the relevance of much of the Subcommission's work to its mandate.

Among topics that could be better researched by other United Nations forums, he cited: human rights and the environment; ownership of cultural property of indigenous peoples; the right to housing; and realization of economic, social, and cultural rights. It was not within the Subcommission's mandate to pursue those issues and divert needed resources from the real task at hand, protection of minorities, he said. The Subcommission's primary mission was to develop mechanisms to resolve disputes and, no less important, to increase protection for minorities by enhancing respect for, and adherence to the rule of law.

ZHANG YISHAN (China) said that, in the past few years, the Subcommission had been departing further and further away from the aim of its establishment. In recent sessions of the Commission, many delegations had repeatedly pointed out that the Subcommission should not repeat the work of the Commission. It should, instead, devote its limited human, material and financial resources to more profound research on issues of high priority in the field of human rights, draft useful research reports, and submit feasible recommendations to the Commission. No positive changes seemed to have been made. On the contrary, the politicization of the Subcommission kept increasing, with more frequent political debates. There were still too many reports, and the aspects they covered were far too general.

At the forty-third session of the Subcommission, he said, under the instigation of a few members and by secret ballot, a resolution on the so-called "Situation in Tibet" had been adopted by a slender majority. That constituted wanton interference in the internal affairs of China. He hoped that such interference in China's internal affairs under the pretext of human rights would not be repeated at the present session of the Commission.

OLEG MALGUINOV (Russian Federation) said that sometimes there were doubts about whether the world needed so many international agencies and whether or not their work overlapped. There was a special role for the Subcommission in the world. The Russian Federation was struggling to establish ways to protect the rights of minorities and indigenous populations. In Russia, that was not a minor matter. The Federation appreciated the report on the topic, and also the outcome of the meeting in Greenland on the problems of indigenous peoples.

AGNES HEVESI (Hungary) said her country had always attached particular significance to the Subcommission. The independence of its members was a condition sine qua non for the use of their expertise freely and without pressure for the promotion and protection of human rights and fundamental freedoms. While fulfilling its mandate, the Subcommission had developed new

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approaches to old problems. A good example was the report of Professor Asbjorn Eide on possible ways of facilitating the peaceful and constructive solution of problems involving minorities.

The Subcommission had also contributed remarkably to focusing attention on the issue of states of emergency, another topic of special importance, she said. But the evaluation of its work would not be balanced if one failed to mention certain "digressions". The Subcommission was originally established to assist the Commission. However, it had not been able to resist the temptation to undertake consideration of matters which fell fully under the competence and responsibility of other United Nations forums. It was promising that the Subcommission itself seemed to be aware of the need for change in its methods of work.

PEDRO OYARCE (Chile) said that, under the new democracy in Chile, indigenous peoples were playing a major role. Their direct participation was being sought, cultural attitudes were being taken into consideration, and legal protection for indigenous peoples was being established. Past reports of the Subcommission had often included resolutions on the rights of indigenous peoples in Chile. Now positive changes were being made.

Noting that 1993 had been declared the Year of Indigenous Peoples, he said the United Nations system had to set up a world-wide programme for its agencies to take a coordinated approach to the development of the rights and well-being of those peoples. Chile stood ready to participate in specific, effective programmes. The Year of Indigenous Peoples should not be a mere rhetorical exercise. The United Nations stress specific focal points for its programme, and should identify specific programme areas and stimulate contributions to a voluntary fund for the Year.

IAN RUSSELL (Australia) said that a particular priority for his Government was the elaboration of a draft declaration on the rights of indigenous peoples. While the primary tasks of standard-setting in the area of human rights had for the most part been completed, it remained regrettable that indigenous peoples were among the most disadvantaged and vulnerable of the earth's inhabitants. Substantial progress towards that objective had been made during last year's session of the Working Group on the question. Adoption of the draft Declaration by the Subcommission at its session later this year would enable it to be submitted to the Commission for consideration at its session in 1993, the International Year for the world's indigenous people.

He.went on to say that his Government recognized that the issue of indigenous cultural property was one of particular importance to Australian Aboriginal and Torres Strait Islander peoples. It was important that international efforts continued, on a cooperative basis, to encourage the return of cultural property to indigenous people. Furthermore, completion of the Subcommission's study on treaties, agreements and other constructive arrangements between States and indigenous populations could be very useful to Australia. The Government had recently announced the appointment of a 25 member "Council for Aboriginal Reconciliation" to oversee that process.

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JOSE DE BRITO CRUZ (Brazil) said that as usual, the report of the Subcommission contained far more substance than could possibly be processed by member States. While that was indicative of the energy with which the experts of the Subcommission went about their business, it was also a reminder of the constant need for the Commission on Human Rights to provide its subsidiary organ with clear directions on the content and the amount of work it was expected to carry out. The Commission might have to consider allowing more time for discussion of the work of the Subcommission.

The protection of minorities belonged to the original core of the mandate of the Subcommission, he said, but had acquired new relevance in view of current developments, especially in Europe, where ethnic tensions had been revived. One aspect of the work of the Subcommission that Brazil was following with particular interest was the work on the preparation of a draft Declaration on indigenous rights. Brazil strongly supported the initiative of setting international standards regarding the rights of indigenous populations. It would have preferred a faster pace of progress that would have allowed States to start active consideration of the text at the intergovernmental level at an earlier date.

STEPHANE HESSEL (France) said the question of the reform of the methods of work of the Subcommission became more acute each year. The Secretariat of the Subcommission could no longer bear the workload. Subcommission Chairman Louis Joinet had illustrated the determination of that body's experts to improve their methods of work this year. The Commission should therefore firmly pronounce itself for the holding of intersessional meetings of the Subcommission's Working Group on working methods. The Group should make recommendations on improved coordination with the Commission and other United Nations human rights bodies, on the reinforcement of the independence of the experts, and on the reform of working methods in relation to the preparation of studies and reports. France was ready to support such an effort.

France could not, he continued, make proposals that aimed at the restriction of the Subcommission's mandate. At a time when the international community was preoccupied with improving the reaction time of the United Nations when faced with emergency situations, the Subcommission should be confirmed in its original role.

PAUL PETERS (Netherlands) said any criticism by his country of the Subcommission should be considered against a background of overall approval of the Subcommission's work. But it was difficult to make wise decisions about so much material in so short a time. The adoption of vague suggestions and intentions for reform would no longer be acceptable. The number of reports had to be reduced. The Subcommission should limit itself to reports on countries for which it had fresh insights and expert, independent analysis. Non-governmental organizations should show restraint and not use up unreasonable amounts of the Subcommission's time.

The Netherlands supported the Trust Fund for the Victims of Slavery, he went on. It had recently made a substantial contribution and urged other countries to do so. It applauded the Working Group's report on the subject

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but suggested that a year-round chairman be used to organize meetings and frame debate. New forms of slavery were appearing throughout the world, and they affected the most vulnerable people -- women, children and the poor. New measures, treaties, and international instruments were needed to protect them. The Netherlands doubted the usefulness of a new charter on the rights of children. The better course was to focus on and improve existing instruments for protecting children.

DENIS MARANTZ (Canada) recalled that Canada had introduced the resolution in the Commission that had led to the Human Rights Disability report by Special Rapporteur Leandro Despouy. The report provided a thorough examination of human rights issues faced by persons with disabilities as well as the measures taken to address continued discrimination against that marginalized population, he said. Canada strongly supported the recommendation that internal legislation should be adapted to international norms and guidelines concerning the treatment of disabled persons. The proposal for the establishment of an Ombudsman for the human rights protection of persons with disabilities was most interesting.

Because the aboriginal peoples of Canada were an important element of Canadian society, he said, it was only natural that the country should support the endeavours of the Subcommission and of its Working Group on Indigenous Populations. It was gratifying to note that all the preambular and 18 of the 28 operative paragraphs for a draft Declaration on the rights of indigenous peoples had been addressed. Furthermore, certain studies on Treaties, Agreements and other Constructive Arrangements between States and Indigenous Populations as well as the working paper on the question of Ownership and Control of the Cultural Property of Indigenous Populations were expected to contribute to the understanding of the principles which indigenous people wished to see incorporated in an eventual declaration.

S.S. FLUSS, of the World Health Organization (WHO), said his organization had played a major role in stimulating democratic debate and in encouraging Governments to adopt a human rights-based approach to the control of AIDS and the associated infection. The forty-first World Health Assembly in 1988 had adopted a resolution that called for all forms of discrimination to be avoided with respect to HIV-infected persons and persons with AIDS. And just three weeks ago, WHO's Executive Board had endorsed a revised version of the Global Strategy for the Prevention and Control of AIDS. New priorities that were fully in line with the need to safeguard human rights had been identified. Among them were: an increased emphasis on the adequate and equitable provision of health care; a reduction of the special vulnerability to HIV infection of women and their offspring through an improvement of women's health, education, legal status and economic prospects; and the creation of a more supportive social environment for AIDS prevention through the removal of legal and other barriers to frank messages about sexual transmission and to people's ability to act on such information. The WHO looked forward to continuing close cooperation on the human rights aspects of AIDS with its partners in the United Nations system.

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He said that AIDS had, in the space of just one decade, turned into a pandemic affecting millions of men, women and children on all continents. The WHO estimated that as of early 1992, at least 10-12 million adults and children worldwide had become infected with HIV.

LUCY DUNCAN, observer for New Zealand, said the adoption of a Declaration by the international community would close one of the few remaining gaps in the framework of international human rights norms. She supported the request that the Working Group meet again for 10 fully-serviced days this year. That would enable it to aim for the completion of a second reading of the entire text. New Zealand last year had established a Steering Committee of officials which was coordinating advice to the Government on the existing draft text and on other matters before the Working Group. Relevant departments were represented, including the new Ministry of Maori Development. In early 1991, Maori and the Government had endorsed a new approach to promoting Maori development, especially in education, training, health and economic resource development. Recently, the land and buildings of a former military camp were returned to the Tainui people. The Tainui intended to convert it to an educational facility for both Maori and non-Maori New Zealanders. That cooperative approach characterized agreements made with Maori claimants in a number of other areas and illustrated how the mutual aspirations of both treaty partners could be advanced.

New Zealand had supported the initiative to declare 1993 the International Year for the World's Indigenous People, with the theme of Indigenous People -- A New Partnership, she said. Attention was at present being given to the way in which New Zealand would mark the Year. 1993 also marked for New Zealand women a hundred years of suffrage. The coincidence of those events had led to consideration of appropriate commemorative activities for indigenous women in the country.

H. HJELDE observer for Norway, said the Working Group on Indigenous Populations and the Subcommission had made possible considerable progress in international standards concerning the rights of indigenous peoples, notably the draft of a universal Declaration. In finalizing its work on the draft, the Working Group should make every effort to elaborate provisions which might command broad international acceptance.

Another initiative emanating from the Subcommission was the proclamation of 1993 as the International Year for the World's Indigenous People. Concern had been raised that the Year should not become another year of empty words. It was noteworthy that the International Year coincided with the World Conference on Human Rights. The Conference would offer an appropriate opportunity to take proper account of the Year. The United Nations Conference on Environment and Development also offered a unique opportunity for Governments and indigenous groups to focus increased attention on the fragile interrelationship between indigenous environment and development. The Government of Norway had already initiated consultations with representatives of the Sami people to discuss possible activities and participation in the implementation of the Year at the national level as well as internationally. A Sami national coordinator for the activities would be appointed soon.

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TOMAS CONDORI, of the Indian Council of South America, said that exactly five centuries had passed since the brutal invasion of the Indo-American continent, opening the cruelest and darkest epoch in the annals of the colonial history of the indigenous peoples and nations of the Western Hemisphere. The triumphalist celebration by European countries coincided with the destabilization of the world and the dislocation of a whole economic and social system. The only commemoration possible was that of 500 years of popular resistance, yesterday against the colonial system, and today against neo-colonial domination in all its forms. It was time to let the Indians speak. It was time for the oppressed and silent masses to write their own histories.

During the last session of the Working Group on Indigenous Populations, he went on, the representatives of the indigenous peoples and nations had adopted a resolution proclaiming 1992 the International Year of Popular Struggle and Resistance. The international community could demonstrate its political will by supporting the Year. Today, through the new world order and in the name of development, the lands and riches of indigenous populations were gravely threatened.

Right of Reply

JUAN CARTO CUESTAS (Guatemala) said that his country was in a new stage of its political development and it repudiated torture. It had ratified the Inter-American Convention against Torture and other international instruments. Those were signs that Guatemala was conscious of international events. However, certain non-governmental organizations, some with political goals in mind, had made distorted statements. In all the cases mentioned, the perpetrators had been prosecuted and replaced in their posts in the police or the military.

GONZALO SANTA-CLARA (Portugal) said he regretted that the Indonesian delegate had thought it appropriate to cast doubt on Portugal's concern over the situation in East Timor. Portugal was only moved by a historic and legal duty to see that the process of decolonization was completed. He had been surprised to hear that those responsible for the massacres in Dili had been brought to justice. In fact only the victims of the massacre had been prosecuted by the authorities. He welcomed the new attitude that the Indonesian delegation had demonstrated at the Commission. In the past, it had simply refused to acknowledge that human rights abuses took place. He feared, however, that that new attitude was merely a reaction to the international outrage over the massacre.

F. LOPES DA CRUZ (Indonesia) said it was ridiculous for Portugal, with the worst record of modern colonialism, to criticize Indonesia. Portugal had run away from its responsibilities in 1975 and forfeited its claim to East Timor. East Timor was integrated into Indonesia. The incident in November had nothing to do with self-determination. Indonesia continued to work to improve the well-being of the East Timorese. The Government was undertaking corrective measures and a counterproductive argument might threaten those measures.

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RUTH LIMJUCO (Philippines) said everyone was all too familiar with the attitude of the Philippine Government towards human rights. She was grateful to the World Student Christian Federation for bringing the issue of violations before the Commission and the Government so that action might be taken. The Philippines had been very open about the matter. No one would dispute the fact that under the present administration, the Philippines had been very cooperative indeed. As the speaker herself had mentioned, legislation had been adopted to stamp out any persisting problems. Those measures had not been taken merely as a reaction to outside influences. The CAGFUS had been disbanded and military promotions had to be cleared with the Philippines Federation for Human Rights.

GONZALO SANTA-CLARA (Portugal), in response to Indonesia, said it was never ridiculous to exercise one's duty. The non-governmental organization which raised the issue would be proud, he thought, to take its place by the victims at East Timor.

Mr. HASAN WIRAYUDA (Indonesia) said that Portugal was not interested in the solution of the issue but in the issue itself, to score political points.

MOHAMMED AL-DOURI (Iraq) said the comments of the United States delegation had dealt unexpectedly with the suffering of the Kurds in Iraq. That suffering was caused primarily by the intervention of foreign forces in Iraq, including those of the United States, which had reached agreement with Kurdish leaders. In fact, a recent potential agreement between Iraq and the Kurds had been derailed because of foreign interference. The problems of the Kurds would never have arisen in Iraq if not for the invasion of foreign forces and other foreign interference in Iraq, which went back as far as the turn of the century.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/320
18 February 1992

COMMISSION AFFIRMS PALESTINIAN RIGHT TO RESIST ISRAELI OCCUPATION BY ALL MEANS

GENEVA, 14 February (UN Information Service) -- The Commission on Human Rights this morning affirmed the right of the Palestinian people to resist the Israeli occupation by all means and called once again on Israel to withdraw from the Palestinian territory, including Jerusalem.

Those provisions of a resolution on human rights in the occupied territories were approved by a roll-call vote of 30 in favour to 16 against with 3 abstentions. Delegations voting against the text characterized its language as "excessive" and "inappropriate", and said it did not contribute to the peace process currently under way.

In another resolution, the Commission reaffirmed its support for the call to convene an effective international peace conference, with the participation of the permanent members of the Security Council and the parties to the Arab-Israeli conflict, including the Palestine Liberation Organization (PLO), under the auspices of the United Nations. The Commission also expressed great interest in the current process of the negotiations which began in Madrid.

Other texts adopted this morning also dealt with the human rights situation in the occupied Arab territories.

Following the votes, the Commission resumed its discussion of the report of the forty-third session of the Subcommission on Prevention of Discrimination and Protection of Minorities, hearing statements by the representatives of Austria and Iran.

Action on Resolutions

Among the resolutions approved this morning was one on human rights in the occupied Syrian Golan (document E/CN.4/1992/L.2), by which the Commission strongly condemned Israel, the occupying Power, for its refusal to comply with the relevant resolutions of the General Assembly and the Security Council, and for its attempt forcibly to impose Israeli citizenship and Israeli identity cards on Syrian citizens.

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The resolution was adopted by a roll-call vote of 31 in favour to 1 against, with 17 abstentions, as follows:

In favour: Angola, Argentina, Bangladesh, Brazil, Burundi, China, Colombia, Cuba, Cyprus, Ghana, India, Indonesia, Iran, Iraq, Kenya, Lesotho, Libya, Madagascar, Mauritania, Mexico, Nigeria, Pakistan, Peru, Philippines, Senegal, Somalia, Sri Lanka, Syria, Tunisia, Venezuela and Yugoslavia.

Against: United States.

Abstentions: Australia, Austria, Bulgaria, Canada, Chile, Costa Rica, Czechoslovakia, France, Germany, Hungary, Italy, Japan, Netherlands, Portugal, Russian Federation, United Kingdom and Uruguay.

KENNETH BLACKWELL (United States), speaking before the vote, said that what so many people had waited for had begun - the partners in the Arab-Israel conflict had begun their search for a just and lasting peace in the region. The resolutions to be voted upon this morning were repetitions of un-helpful, inflammatory resolutions of the past. The Commission should seek to support the peace process and not hinder it.

Concerning violation of human rights in the occupied Arab territories, including Palestine, the Commission adopted a resolution in two parts (document E/CN.4/1992/L.3). Under Part A, the Commission condemned policies and practices of Israel which violated the human rights of the Palestinian people in the Palestinian territory occupied by Israel with military force, including Jerusalem, and, in particular, such acts as the opening of fire by the Israeli army and settlers on Palestinian civilians, the imposition of restrictive economic measures, the demolition of houses, collective punishment and arbitrary and administrative detention.

The Commission also affirmed the right of the Palestinian people to resist the Israeli occupation by all means, in accordance with the relevant United Nations resolutions and consistent with the purposes and principles of the Charter; and called upon Israel to withdraw from the Palestinian territory, including Jerusalem, and other occupied Arab territories.

Under part B, the Commission strongly condemned Israel once more for refusal to apply the Fourth Geneva Convention to Palestine and the Arab territories occupied since 1967 and to their inhabitants, for policies of perpetrating crimes of torture against Palestinian detainees and prisoners in Israeli prisons and concentration camps, and for continued deliberate disregard of the provisions of the Fourth Geneva Convention.

Israel was also strongly condemned for grave violations of article 49 of the Fourth Geneva Convention, for continuing a policy of deporting Palestinian citizens and of expelling them from their homeland as recently happened to 12 Palestinians.

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The Commission called upon Israel to refrain immediately from deporting palestinian citizens from their homeland, and to allow all those who had been deported since 1967 to return without any obstacle or delay.

Part A of the resolution was adopted by a roll call vote of 30 in favour to 16 against, with 3 abstentions, as follows:

In favour: Angola, Bangladesh, Brazil, Burundi, China, Colombia, Cuba, Cyprus, Ghana, India, Indonesia, Iran, Iraq, Kenya, Lesotho, Libya, Madagascar, Mauritania, Mexico, Nigeria, Pakistan, Peru, Philippines, Senegal, Somalia, Sri Lanka, Syria, Tunisia, Venezuela and Yugoslavia.

Against: Australia, Bulgaria, Canada, Costa Rica, Czechoslovakia, France, Germany, Hungary, Italy, Japan, Netherlands, Portugal, Russian Federation, United Kingdom, United States and Uruguay.

Abstentions: Argentina, Austria and Chile.

Part B was adopted by a roll-call vote of 31 in favour to 1 against, with 17 abstentions, as follows:

In favour: Angola, Argentina, Bangladesh, Brazil, Burundi, China, Colombia, Cuba, Cyprus, Ghana, India, Indonesia, Iran, Iraq, Kenya, Lesotho, Libya, Madagascar, Mauritania, Mexico, Nigeria, Pakistan, Peru, Philippines, Senegal, Somalia, Sri Lanka, Syria, Tunisia, Venezuela and Yugoslavia.

Against: United States.

Abstentions: Australia, Austria, Bulgaria, Canada, Chile, Costa Rica, Czechoslovakia, France, Germany, Hungary, Italy, Japan, Netherlands, Portugal, Russian Federation, United Kingdom and Uruguay.

RAMIRO PIRIZ (Uruguay), speaking before the vote, said he shared many of the concerns on which the draft resolutions were based. However, the language of the texts seemed inappropriate in view of the peace efforts currently under way. For that reason, Uruguay could not vote for the drafts.

In a resolution on Israeli settlements in the occupied territories (document E/CN.4/1992/L.5), the Commission expressed grave concern at the large-scale establishment by the Israeli Government of settlers in the occupied territories. Taking into account the need to create the stable environment required for progress in the negotiation process following the Middle East peace conference in Madrid, it reaffirmed that the installation of Israeli civilians in the occupied territories was illegal and constituted a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. The Commission urged the Government of Israel to abstain from installing settlers, including immigrants, in the occupied territories. The resolution was adopted by a show-of-hands vote of 45 in favour to none against, with one abstention.

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GONZALO SANTA-CLARA (Portugal), speaking after the votes on resolutions L.2, L.3, and L.4, said that the position of the European Community and its member States regarding the human rights situation in the occupied territories, including Palestine, was well known. It was therefore with regret that they found themselves unable to support the drafts. The spirit and the repeated use of excessive and intemperate language in those drafts was not helpful in creating the stable environment which progress in the peace negotiations required.

Furthermore, he said, the absence of any reference to the peace process initiated in Madrid constituted a serious imbalance, as human rights questions could not be dissociated from the overall political situation prevailing in the region. In addition, the resolution on human rights in the occupied territories in particular contained new elements which further impeded attempts to reach a common understanding. The Twelve could not accept references to Palestinian "citizens" as they did not recognize Palestinian statehood.

ANNE PARK (Canada) said her delegation's principal concern was with the additional language which referred to "legitimate resistance against the Israeli military occupation". Such language could be a provocation to further violence. More moderate language would better serve the cause of peace and reconciliation.

SLAVI PASHOVSKY (Bulgaria) said the language employed in the resolution was inappropriate and the hopes involved in the commencement of peace process in Madrid were not be seen in such language. He called for the peace process to continue unhindered.

OLEG MALGINOV (Russian Federation) said he was unable to support the resolutions because they did not correspond to the processes taking place today. Russia could not support inclusion in the resolutions of matters which were the subject of the current negotiations

NABIL RAMLAWI, observer for Palestine, said he was astonished at the position of certain delegations. He wondered whether the beginning of the peace process meant that the Israeli occupation had disappeared. Of course not. The Israeli occupation continued to violate the human rights of Arabs. During the negotiations started in Madrid, Israel had announced the creation of new settlements. During the Washington phase of the talks, Israel had announced the deportation of 12 Palestinians. The Security Council had condemned Israel in January for its continuing violations of human rights, that after the start of the peace process. Certain delegations had alleged that they could not accept the term "Palestinian citizens". How else should they be called? Palestinians had always lived in their own country.

Under a resolution on the situation in occupied Palestine (document E/CN.4/1992/L.4), the Commission reaffirmed its support for the call to convene an effective international peace conference on the Middle East, with the participation of the permanent members of the Security Council and the parties to the Arab-Israeli conflict, including the PLO, under the auspices of

the United Nations; expressed its great interest in the current process of negotiations, which began in Madrid, between the parties to the conflict to resolve the problem of Palestine and of the Middle East; and strongly condemned Israel for its continued occupation of the Palestinian territory, which constituted the main obstacle to the exercise by the Palestinian people of their national rights.

The resolution was adopted by a roll-call vote of 31 in favour to two against, with 17 abstentions, as follows:

In favour: Angola, Bangladesh, Barbados, Brazil, Burundi, China, Colombia, Cuba, Cyprus, Gabon, Ghana, India, Indonesia, Iran, Kenya, Lesotho, Libya, Madagascar, Mauritania, Mexico, Nigeria, Pakistan, Peru, Philippines, Senegal, Somalia, Sri Lanka, Syria, Tunisia, Venezuela and Yugoslavia.

Against: United States and Uruguay.

Abstentions: Argentina, Australia, Austria, Bulgaria, Canada, Chile, Costa Rica, Czechoslovakia, France, Germany, Hungary, Italy, Japan, Netherlands, Portugal, Russian Federation and United Kingdom.

Speaking after the vote, the delegations of Austria, Czechoslovakia, Russia and Canada said that if a separate vote had been held on preambular paragraph 13, which affirmed that the directing of the immigration of Jews in an organized manner to Israel constituted support to Israel's settlement policy in the occupied Palestinian territories and an obstacle to the exercise by the Palestinian people of their right to self-determination, they would have voted against it.

RAMINO PIRIZ (Uruguay) said that, while his country shared the concerns of the resolution, it felt that some of the language was unbalanced.

Statements on Work of Subcommission

Speaking on the work of the Subcommission on Prevention of Discrimination and Protection of Minorities, CHRISTIAN STROHAL (Austria) said he attached particular emphasis to an improvement of both standard-setting and effective implementation in the area of the administration of justice. Among the concrete measures which had already started to improve the efficiency of the Subcommission's work, he mentioned the setting up of an annual list of reports under preparation, the need to complete one study before taking on a new one, the institutionalization of feasibility studies, the designation of a so-called "rapporteur d'avis", and joint preparation of studies by several authors.

Austria supported the decision of the Subcommission to set up an inter-sessional working group before its next session with a mandate to elaborate proposals for the rationalization of the work and agenda of the 1992 session, he said.

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KIA TABATABAEI (Iran) said that in a constantly changing world, the Subcommission should adapt itself accordingly. The need to change its working methods appeared to be a point of almost unanimous agreement in the Commission. The Subcommission, in its original conception, was intended to be a complementary organ of the Commission. Today it looked more like a rival. Could the Subcommission address all issues pertaining to human rights or just those in the field of minorities? The answer was quite clear.

A more fundamental and problematic aspect of the Subcommission's work arose from the yet-undefined notion of minority, he said. Having failed to arrive at a universally accepted definition of minority, or having simply chosen not to be engage itself in such a cumbersome exercise, the Subcommission in recent years had committed its limited human and financial resources to research into subjects marginal to the question of human rights in the strict sense of the word. Furthermore, the Subcommission, although composed of independent experts, was as politicized and tension-ridden as any other international forum comprising State representatives. As far as the approach to situations involving discrimination against minorities was concerned, the Subcommission should not act as a court of law. Rather, its efforts should be directed towards problem resolution.

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United Nations

Press Release

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18 February 1992

ITALY OFFERS TO HOST 1993 WORLD CONFERENCE ON HUMAN RIGHTS

Commission Ends Debate on Minorities Report, Begins Review of Conference Preparations

GENEVA, 18 February (UN Information Service) -- The delegation of Italy to the Commission on Human Rights announced this afternoon that the Italian Government was willing to host the World Conference on Human Rights in 1993. The offer came a day after the Commission was told that the German Government could not meet the requirements for the hosting of the Conference.

In addition to discussing preparations for the 1993 meeting, the Commission concluded its debate on the report of the Subcommissions for the Prevention of Discrimination and Protection of Minorities. The human rights of women, indigenous peoples, persons with disabilities, mental illness and HIV-infected persons were among the issues raised in this afternoon's debate.

Taking part in the discussion on the the Subcommission's report were the delegation of the United Kingdom and representatives of the following non-governmental organizations: the International Council of Jewish Women (on behalf of 14 non-governmental organizations), World Federation of Mental Health, the International League for the Rights and Liberation of People, Women's International League for Peace and Freedom, International Association of Educators for World Peace, World Association for World Federation, Pax Christi International, International Fellowship of Reconciliation, Human Rights Advocates, Grand Council of the Crees, Latin American Federation of Associations of Relatives of Disappeared Detainees, International Association against Torture and International Indian Treaty Council. Representatives from the delegations of Portugal, on behalf of the European Community and its member States, the Russian Federation, China, Japan, India and Uruguay took the floor to discuss the World Conference.

Views of Delegations

DAVID CAMPBELL (United Kingdom) said the Subcommission had made much progress. He said preparations of a proper work plan to ensure that all proposals for studies were carefully assessed, that new studies were not

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started until existing ones were completed, and that one or two experts were designated to follow the progress of a particular report and offer constructive criticism to the rapporteur, would contribute much to the efficiency and effectiveness of the Subcommission's work. He said he supported the Chairman's recommendation that between now and August a small representative group of Subcommission experts should prepare specific proposals for adoption by the Subcommission at the start of its forty-fourth session.

Noting that the Commission would soon elect members to the Subcommission, Mr. Campbell suggested requirements to be observed if the independence of the Subcommission and its members was to be secured. Persons should never be nominated as candidates if there was likely to be any conflict or tension between their duties as members of the Subcommission and any responsibilities to their own Governments. The Commission should vote only for candidates who were demonstrably truly independent. Persons elected should discharge their duties entirely in their personal capacities, and never as the agents or defenders of their own Governments.

ANDREE FARHI, of the International Council of Jewish Women, speaking for 14 non-governmental organizations, expressed deep concern about the many reservations to certain articles of the Convention on Elimination of All Forms of Discrimination against Women, referring to equality and discrimination, legal equality, employment, freedom of movement and domicile, and status in marriage. She said those stood at the heart of discrimination, and the non-governmental organizations requested the Member States which had ratified the Convention to give serious consideration to the removal of existing reservations. They also noted the request of the Working Group on Contemporary Forms of Slavery to the forty-third session of the Subcommission on the Prevention of Discrimination and Protection of Minorities that the matter of reservations to the Convention be referred through appropriate channels to the International Court of Justice for an advisory opinion. She said they regretted the decision of the Subcommission to defer consideration of the matter until its forty-fourth session.

MARK CONLY, of the World Federation for Mental Health, said Special Rapporteur Leandro Despouy had in his report identified most of the barriers to disabled people. His recommendations would help substantially to address this fundamental violation of individuals' rights. Persons with cognitive disabilities were often institutionalized at an early age, or segregated in special schools and then in sheltered workshops, working for sub-minimum wages, open to abuse and exploitation, usually with no legal appeal against their forced incarceration or forced labour.

He said accessible schools were an indispensable condition for many to obtain an education. The Federation strongly urged the Commission to adopt the draft recommendations on human and disability rights. Like other vulnerable groups, the disabled needed to have an international control body to protect them.

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ORETTA BANDETTINI DI POGGIO, of the International League for the Rights and the Liberation of Peoples, said indigenous peoples did not need new rights; they needed to have their original rights recognized. The interdependence between the destruction of the environment, under-development and poverty had been admirably illuminated by Subcommission expert Fatma Ksentini last year. The 300 million indigenous people made up a large part of the world's poor. The nomadic Penan people of Borneo, for example, lived in a forest area which had seen wood-cutting levels triple between 1971 and 1989 from 4.2 m cubic metres to 13 million cubic metres. Those indigenous peoples had no rights to the land they had long inhabited. Their culture and their livehoods were being destroyed.

On the use to which development assistance was put, he said that the $40 million celebration being planned in the Dominican Republic to mark the 500th anniversary of the arrival of Christopher Columbus in the new world had caused between 100,000 and 300,000 people to leave their homes to make way tourism development. In this instance, he asserted, international aid was being used "to promote a facade".

BETTY WILSON, of Women's International League for Peace and Freedom, said recent political and economic changes around the world had resulted in significant population shifts, including a large number of persons displaced within their own countries. This included a significant number of persons with disabilities. She said special responses were required to meet the resulting challenges, and she spoke of particular efforts on behalf of the disabled in the city of Los Angeles. Provision of services to its diverse population was unique in that there were more than 90 different languages spoken in the city. This diversity caused major challenges in addressing the needs of disabled persons.

She said world Governments must recognize that persons with disabilities had the inalienable right to participate in the mainstream of society and to enjoy a lifestyle commensurate with that of the non-disabled. Americans had learned that persons with disabilities, if provided the opportunity for education and training, could contribute greatly to the enhancement of their communities in particular and to society in general.

DONNA NOLAND, of the International Association of Educators for World Peace, described her work as the publisher and editor of the "National Focus", a newspaper about disabilities. She was deaf and had to use a sign language interpreter and other adaptive equipment to allow her to perform her work and to live independently. At one time she had been able to hear, and had progressed from hard-of-hearing to profound deafness as an adult. She urged the "mainstream media" to take the topic of disability seriously. The Commission should adopt the resolution on human rights and disability.

LEANA BOWMAN/RAY BOWMAN, of the World Association for World Federation, described the problems of the disabled people whose disabilities had forced them into homelessness, which aggravated their disabilities. It was a vicious cycle that fed upon itself. They managed to function, but at the edge of society. They were mishandled by the police, shunned and degraded by the

community. They were lost in endless bureaucracy and red tape. Those people did not enjoy the same rights and freedoms that others were able to enjoy. The speakers urged the Commission to forward the report on human rights and disability to the Economic and Social Council with the strongest recommendation for its rapid implementation.

TAMARA GENEST, of the Pax Christi International, spoke of the human rights problems caused by population transfers. Forced geographic transfers caused grave violations for those exiled from their home territories and for those who lived in the regions to which the former were transferred. Establishing a working group or appointing a special rapporteur would be most useful.

On the problems of the more than 500 million disabled people world-wide, he said ignorance, stereotyping, legal discrimination and other problems had to be tackled. Strong legislation was needed. Human beings with disabilities must not be treated as second class citizens.

REV. NATALIE FORREST, of the International Fellowship of Reconciliation, said that there were theologically-based prejudices around the world. Some cultures believed that a person with epilepsy was possessed by demons. An accidental disability was often seen as either a punishment or a privilege. Some great religions of the world saw any disability as an imperfection. Religious people should ask themselves whether their places of worship were accessible to disabled people. If the Universal Declaration was to have any meaning at all, then places of worship had to facilitate the participation of all in religious life.

WILDA SPALDING, of Human Rights Advocates, said she wanted to deliver a message from a friend of persons with disabilities everywhere, Special Rapporteur Leandro Despouy. Mr. Despouy wanted to convey his greetings to the Commission and to all those who had been working on his report.

TED MOSES, of the Grand Council of the Crees, said it was time for the Commission to seriously examine the question of the rights of indigenous peoples. He welcomed the Declaration of the International Year for the World's Indigenous People and the beginning of a wider consideration of indigenous rights issues by the United Nations.

He said the Grand Council was disappointed by the lack of progress on the study of treaties, agreements and other constructive arrangements between States and indigenous peoples undertaken by the Special Rapporteur, Miguel Alfonso Martinez. One of the most important issues concerned the right of self-determination as a right which pertained to the world's indigenous peoples. Various attempts had been made to limit or define this right for indigenous peoples; this was prejudicial and racially motivated.

LOYOLA GUZMAN, of the Latin American Federation of Associations of Relatives of Disappeared Detainees, said the lack of political will in some countries to end impunity made it vital that the international community remain vigilant and put in place mechanisms and instruments to deal with this

problem. On the question of enforced disappearances, she called on the Commission to demand that the authorities in Honduras investigate the disappearance of 143 people and ensure that impunity was not continued in the service of torture.

ROGER WAHERAM, of the International Association against Torture, said the Subcommission's resolution 1991/2 was particularly significant for drawing attention to an expressed concern that "... racism and acts of violence therefrom persist and are even increasing in a number of countries in North America and Europe". In the months since its adoption, the situation of the 40 million Africans resident in the United States had visibly worsened; the economic crisis in the United States had disproportionately affected the black and Latino communities, he went on. The effects of this crisis had been particularly unsettling to the white community. Economic displacement had spawned a climate where expressions of overt racism were acceptable.

ANTONIO IBARRA, of the International Indian Treaty Council, said their ancestral lands were filling up with radioactive dumps, poisoned rivers and other forms of irreparable damage to nature. Recent political events in the field of disarmament were to be welcomed, but why were nuclear tests still going on in the Pacific? The Pacific should be declared an independent, non-nuclear region.

The United States had violated all 371 treaties which the United States had signed with indigenous peoples. Treaties were the only way to spare the lands left to the indigenous peoples.

World Conference on Human Rights

CONZALO DE SANTA-CLARA (Portugal), speaking for the European Community and its member States, said the international environment in which the World Conference on Human Rights would take place could hardly be more appropriate. In the wake of a world-wide trend towards democratization, international relations had become increasingly characterized by common values and common responsibilities. The Twelve were confident that the positive and constructive spirit that had prevailed in the Conference preparations so far would produce sound results, particularly in the drawing up of the provisional agenda.

He said the importance of education and training in human rights and the question of resources devoted to human rights programmes constituted issues to which the Twelve would pay particular attention. Another major concern would be the reaffirmation of the indivisible character and of the importance of all human rights. In any event, the Conference should strive to enhance general awareness of human rights and fundamental freedoms among the public at large. It should in this regard encourage the creation or strengthening of national and regional institutions for the promotion and protection of human rights.

YOURI BOIT (Russian Federation) noted that preparations were quite advanced for the World Conference but an agreement was needed soon on the agenda. The national, regional and global stages of coordination were

important and ideas coming from all those levels could be useful. He said democracy, development and human rights should be the cornerstone of the platform. All States should prepare for joint, good-hearted exchanges. Indivisibility, interdependence of human rights, the primacy of international norms, the rights of vulnerable groups, poverty and the monitoring mechanism were important issues to be discussed. Polemical confrontational and moot issues had to be avoided.

FAN GUOXIANG (China) said he was pleased to note that preparations for the World Conference were proceeding smoothly. Over the past four decades and more, a great deal had been done by the United Nations in formulating and disseminating internationally recognized norms on human rights and in monitoring their implementation. It should not be overlooked that there were still factors which obstructed further realization of the full enjoyment of human rights and fundamental freedoms. For instance, many of the anomalies left over from the cold war had not yet completely disappeared. He said human rights had been abused as a pretext to "justify" interference in the internal affairs of other countries.

Mr. Fan said the World Conference should also look to the future. In accordance with General Assembly resolution 45/155, one of its main agenda items should be the relationship between development and the enjoyment of economic, social and cultural rights as well as civil and political rights. The essence of human rights lay in man's rights to subsistence and development in nature and human society. The fundamental path to the realization of human rights within a country was social progress, stability and economic development.

TETSUO ITO (Japan) said his country attached great importance to the World Conference. Many issues remained to be discussed and resolved. The provisional agenda of the Conference should be based on the six objectives articulated in Assembly resolution 45/155. At the same time, the Conference should be action-oriented, focusing on the implementation of existing standards. Efforts should be made to avoid lengthy ideological debates. With regard to the regional preparatory meetings, he said it would be useful to hear views based on distinctive cultures and experiences of individual countries of a region but not too much emphasis should be placed on regional differences.

On the relationship between development, human rights and democracy, he said there were certain fundamental freedoms and human rights that should be respected by all countries, regardless of culture, or political or economic system. Human rights should not be sacrificed to development. The granting of official development assistance to a country should be considered in terms of its commitment to democracy and human rights.

SAIFUDDIN CHOWDHARY (India) said one key objective of the Conference which needed further study was the relationship between development and democracy. The role of poverty and its impact as an impediment to the enjoyment of human rights and fundamental freedoms needed careful examination. Terrorism, by groups and individuals, was another powerful

impediment to the enjoyment of human rights; in particular, the role of terrorism in undermining the constitutional guarantees of a democratic State through fear, intimidation, murder and violence needed to be studied carefully. He said that India, a multi-party, multi-ethnic, pluralistic democracy, had been confronted in recent years by this threat. The subject hould be the focus of a separate study.

RAMINO PIRIZ (Uruguay) reiterated his country's commitment to the success of the World Conference, as stated the previous day by Minister for Foreign Affairs, Hector Gros Espiell. The present historical context called for evaluation of the progress made in the protection and promotion of human rights. Mr. Piriz said it was time to reflect on how to ensure the respect and promotion of the human rights of the individual. This task must be undertaken with respect for the different cultural and religious characteristics of States. However, one must not allow totalitarian Governments to put obstacles in the way of the affirmation of the minimum levels of natural rights, as articulated in the international human rights instruments.

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United Nations

Press Release

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HR/CN/322
19 February 1992

FOREIGN MINISTER OF PERU, CHIEF JUSTICE OF SUDAN
ADDRESS HUMAN RIGHTS COMMISSION

GENEVA, 17 February (UN Information Service) -- The Minister for Foreign Affairs of Peru and the Chief Justice of Sudan addressed this morning's meeting of the Commission on Human Rights, which continued its discussion of preparations for the 1993 World Conference on Human Rights.

Augusto Blacker Miller, Minister for Foreign Affairs of Peru, said that democracy appeared to be the only form of government which could ensure respect for human rights. Anti-democratic terrorist movements such as the "Shining Path" guerriilas now plaguing Peru were outside the frame of politics and did not respect human or cultural rights. Dealing with such threats was very difficult for a democracy.

Jalal Ali Lufti, Chief Justice of Sudan, said his Government had adopted Islamic law because that was the wish of the majority of its people and because for Muslims Islam was not only a religion but a code of conduct and a system of government. The Chief Justice added, however, that the Islamic criminal code was not applied in his country to Christians or to other citizens who were not Muslems.

Taking part in the morning's debate were Australia, Cuba, Colombia, Iran, Senegal, Costa Rica, Indonesia and Chile.

Statement by Foreign Minister of Peru

In his statement, AUGUSTO BLACKER MILLER, Minister for Foreign Affairs of Peru, said the world of the future must be thought of not only in terms of power politics and economics, but also from a perspective that would make man the ultimate end of international relations. Practically all the great civilizations that flourished in what was today called the developing world had a humanist and ethical conception of the human being. Therefore, it was incorrect to think that the modern doctrine of human rights had its roots exclusively in one cultural or political tradition. Latin America, from the time of the encounter of its indigenous civilization with Western culture, had

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elicited wise ideas which had served as the basis of international law. In the world of today, international relations were overcoming the narrow limits of the spheres of States.

Non-governmental actors played an increasingly important role in human rights, he said. At the same time, however, the international community was facing the emergence of another kind of non-governmental actor, namely terrorists and drug-traffickers, who in many cases acted in concert against the individual State, society and the democratic system. Legal doctrine must complement the protection of the individual against the State with protection from the violations to human dignity committed by terrorists and drug-traffickers. The industrialized democracies should support the consolidation of Latin America's democracies.

The welcoming of terrorists by certain States was unjustifiable, he continued. It was even less justifiable to allow terrorists to set up an international organization and proselytize in favour of violence. It was very difficult to carry out social and economic development when there were terrorist groups which tried to destroy what took so much effort to build. Democracy was the only system that could ensure the adequate protection of human rights. Their full enjoyment could take place only within a context of economic and social development. In this connection, the Government of Peru accorded the highest importance to non-governmental organizations and it was aware of the important role they played. However, it was indispensable that non-governmental organizations, in order to maintain their credibility showed objectivity and impartiality. Generalization and unfounded apportioning of blame did not contribute to that.

Peru, he said, had for the past decade faced violence from terrorist groups, from among which the "Shining Path" stood out because of its bloodthirsty character. That group wanted to set up a régime of terror analogous to that of Pol Pot in Cambodia. The democratically elected Government of Alberto Fujimori had inherited a disastrous situation. In 1990 alone, the terrorists had murdered 1,842 Peruvians. The Government had an immense challenge before it, for if the political violence was grave, the economic and social indicators of the country were no less dramatic.

But, in contrast to the devastated economy resulting from the policies of the past, he went on, Peruvians had reserves of morale; they were the country's best natural resource. The national reconstruction led by President Fujimori would include improvement of the human rights situation. Violations, whether the massive ones committed by terrorists, or the isolated ones resulting from excesses on the part of the armed forces, would be punished. The results achieved so far were encouraging: as noted by the Working Group on Disappearances, the cases reported in Peru had declined by 50 per cent. The building of a new, stable and just order would depend on the international community's capacity to link required commitments and on shared responsibility regarding the consolidation of international cooperation.

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Statement by Chief Justice of Sudan

GALAL ALI LUTFI, Chief Justice of Sudan, said the population of his country was about 26 million, grouped together into more than 500 tribes with different customs, traditions and languages. The Sudan was thus greatly different from other countries, where there were no such diversities. When the current government took over, the demand for the application of Islamic law became so strong that the Government had to yield to the wish of the majority of the people. It introduced a new criminal code trying to avoid flaws in the old code, especially those concerning the rights of non-Muslems.

The new code provided that it should not be applied to the southern states, where the majority of Christians and holders of noble beliefs resided, he said. And even in the northern states, courts were not allowed to take cognizance of any offence committed by non-Muslems if it was part of their customs or was allowed in their religion, such as possessing and drinking alcohol at home. The Government had had to introduce the new Islamic laws because, according to the faith of the majority of the people in the Sudan and of Muslims elsewhere, Islam was not only a religion, it was also a system of government.

New sections had been introduced for the first time in the criminal code to protect the liberty and privacy of the individual, he continued. Also introduced in the code was what was known in Islam as qisas. That was the law of retribution, by which the accused received punishment equal to the crime he had committed -- "an eye for an eye and a tooth for a tooth". He had received hundreds of letters from respectable organizations asking him to commute those punishments, which they described in their letters as harsh, cruel, degrading, inhumane and contrary to the Universal Declaration of Human Rights. But whether they were harsh or not, Muslims had to inflict them if all the ingredients of the offence were to be satisfied. The Government had no choice but to apply them because it believed they were God-made laws.

Moreover, he said the Government believed that those Islamic laws were the best to prevent crime, to punish criminals and to create peace and stability in the country. But those punishments could only be avoided or commuted in circumstances prescribed by the sharia law itself. Such mitigating or extenuating circumstances were numerous. During the more than two years since he had been appointed as Chief Justice, no such punishment as cutting off of hands or cross-limb amputation or crucifiction had been carried out.

Everything concerning the courts and treatment of prisoners in Sudan was under the control of the judiciary, which was completely independent, he went on. He regularly visited prisons in Sudan, and had never found a case of torture. Torture could not be carried out in Sudan not just because of laws prohibiting it, but because of Islamic principles of human relations, family and tribal ties. Some members of concerned international organizations who had visited some prisons in Sudan and interviewed prisoners who allegedly had

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been tortured were satisfied that no torture or ill-treatment was practised by any officials in authority. There was nothing to hide in Sudan, and his country welcomed anybody to visit and see for himself.

The Government of Sudan, now headed by the military, was taking serious steps towards democracy, he stated. A political system based on participatory democracy was being established. A transitional National Assembly of 300 representatives had been formed. It would be responsible for all legislation and supervision and control of the Executive Branch of the Government.

Statements on Preparations for 1993 Human Rights Conference

In the discussion on preparations for the World Human Rights Conference, BILL BARKER (Australia) said the preparation should proceed in an orderly manner, without reopening issues which had already been the subject of painstaking negotiation and consensus. The second session of the Preparatory Committee should get down quickly to substantive work, and plenary debate should be limited to that which served specific objectives. Most of the work should take place in working groups. All those participating, including non-governmental organizations, should deal purposefully with the priority items. He was attracted to the idea of a short, crisp proclamation in general terms, which would lend itself to media coverage and which would be suitable for endorsement by high-level participants.

Each State should prepare a "human rights action plan", whereby the Conference would work towards improved observance of human rights, he continued. Each State would base its plan on its own situation and circumstances. It would then outline steps it would take to improve its human rights performance. For example, it could indicate human rights instruments it intended to ratify and outline concrete steps by which it would get there, indicate human rights treaty reservations it intended to remove, pledge itself to submit overdue reports to treaty bodies or to pay outstanding contributions, undertake training programmes in areas such as administration of justice, and set out steps by which it would establish a national institution.

MARIANELA FERRIOL (Cuba) said the Conference on Human Rights was necessary because the world was still far from achieving necessary progress in that field. The countries of the Western world applied biased and incomplete human rights standards to the third world. They did so for political reasons. The developed countries did not take into account the cultures and the special problems of developing nations and often used human rights as an excuse to interfere in their internal affairs. Human rights were not isolated from other conditions of life. Focus on human rights in developing countries had to be linked to solving other problems involving economic development, illiteracy, malnutrition and public health.

The Conference should focus on human rights problems that reflected conditions and realities in the third world, the he stated. The topics discussed and measures taken should be of interest and value to all countries -- otherwise the Conference would not be a success. Cuba supported the

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proposal for a regional preparatory meeting in Costa Rica. The Conference itself should examine human rights from the perspective of development and its effects on social, cultural, civil and political rights, and should keep in mind the principles of the Charter.

RENATO SALAZAR (Colombia) said that, paradoxically, the ideological opening evident in recent years had ushered in a resurgence of obstacles originating in the sort of stratified society thought to have been overcome. It had also revealed the complex situation of human rights. The mechanisms for inspecting observance of human rights had to be reinforced while preserving the sovereignty of States and the principle of self-determination. The World Conference had to be the forum that would allow for a solution of the dichotomy between the State and the individual, on the one hand, and for establishment of the interdependence of human rights on the other.

There were many matters to be submitted to the World Conference, he continued. Those questions should also be considered from a regional perspective so that the recommendations adapted themselves to all the world's realities. In Latin America, possibilities for the promotion of human rights were being consolidated as democracy was strengthened.

BAGHER ASSADI (Iran) said the World Conference was indeed a very timely enterprise in this period of tumultuous changes. The Human Rights Commission had, among other things, affirmed the principles of universality, objectivity and non-selectivity of human rights questions. However, the lack of serious commitment to those principles in the past work of the United Nations human rights organs, including the Commission, was among the factors responsible for a less-than-statisfactory performance by those organs.

In order to make the World Conference a genuine forum for a comprehensive, in-depth and constructive exchange of ideas on human rights, the preparation of well-researched and documented studies on major current issues was necessary, he said, suggesting research in such areas as objective assessment of the human rights situation in all countries, without any exceptions; appraisal of the quality and effectiveness of United Nations human rights activities since the 1968 Tehran Conference; and evaluation of the effectiveness of existing procedures and mechanisms for monitoring human rights situations, and further promotion and observance of those rights. From an overall point of view, he concluded, the World Conference should base its approach on the indivisibility of all categories of human rights.

ALIOUNE SENE (Senegal) said the World Conference should focus on universal human rights and the immense problem of promoting and protecting them while respecting diverse cultures and values. The Conference had to create conditions of confidence, a sense of communal responsibility, and a commitment to democracy and to development. The Conference should be an occasion for showing that the right to development was connected to human rights, that the two were a multi-dimensional synthesis of individual and collective rights, and that economic, social and cultural rights were necessary conditions for the well-being of all.

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The Conference should also consider the efficiency of the methods of the Commission on Human Rights, he said. Research efforts and contributions on human rights should come from throughout the world. A major challenge was to determine how to develop and protect human rights in the face of political convulsions, oppression, civil wars, xenophobia and extremism. And there were the related problems those upheavals created, such as large populations of refugees, to whom humanitarian agencies were still struggling to provide the necessary assistance. It was necessary to imagine new, effective forms of action to confront those problems.

JORGE RHENAN-SEGURA (Costa Rica) said that, in order for the World Conference to be successful, it would be necessary to conduct extensive preparations in a spirit of genuine cooperation, hence his Government's interest in the regional preparatory meetings. Costa Rica was committed to all those efforts. The Conference should be fully based on General Assembly resolution 45/155. It must search for the ideological mechanisms for the promotion and protection of the rights of the most vulnerable groups, namely women, children, the disabled, migrant workers and religious, sexual, linguistic, racial and indigenous minorities. Special attention should be focused on refugees and migrants. The relevant institutions of the United Nations system should cooperate with the Centre for Human Rights in the search for mechanisms for the implementation and promotion of human rights.

The Conference must consider human rights as indivisible and interdependent, he added. The link between human rights and the environment was also of vital importance for the future. Costa Rica had always been concerned over the so-called "hidden" human rights violations, as illustrated by its proposals for the creation of a High Commissioner for Human Rights and a special hall at the International Court of Justice to deal with human rights violations.

SAODAH SYAHRUDDIN (Indonesia) stressed the importance of ensuring the universality, objectivity, and non-selectivity of the consideration of human rights issues in the United Nations and its forums. It was in that framework that the Conference should be held, he said, recalling the statement of the Foreign Minister of Indonesia in his address to the last session of the General Assembly, that "...in promoting and protecting human rights, the basic aim should be to cooperate in raising a common consciousness in the international community and to encourage improvements in the observance and protection of these rights ..."

The Conference should also pay attention to the primacy of development in relation to human rights, he went on. In preparing studies and documentation, therefore, the Preparatory Committee should not depart from the genuine objectives of the Conference as stipulated in Assembly resolution 45/155. As for the regional preparatory activities of the Conference, Indonesia warmly welcomed the decision of the Asian Regional Group to convene a meeting for Asia within the framework of the Economic and Social Commission for Asia and the Pacific (ESCAP), to be attended by members of the Asian Group.

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ROBERTO GARRETON (Chile) welcomed the offer of Italy to host the World Conference on Human Rights. Human rights continued to be a concern in light of contemporary reality -- the new global order, the increasing internationalization of affairs and the increasing focus of human rights instruments on what were once considered a country's internal affairs, he said. Attention should be focused on the relationship between democracy and human rights. Strengthening democracy and establishing it where it did not exist was the only way to break the vicious circle of poverty and of the political extremism, violence and human rights abuses that came from poverty.

In Chile, he said, indigenous groups were a significant portion of the population and the problems of such peoples should be dealt with at the World Conference. Chile supported the proposed regional preparatory meeting in Costa Rica and hoped it would be sufficiently funded by the United Nations. As communications were very important in the modern world, he hoped that the media would generate sufficient publicity, not only for the 1993 Conference, but also for the preparatory sessions. It would be a shame if those sessions were only attended and influenced by Governments -- other organizations and interests should be involved, too, and should make their views known.

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United Nations

Press Release

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HUMAN RIGHTS COMMISSION HEARS ADDRESS BY PRESIDENT OF SWISS CONFEDERATION

Concludes Discussion on World Conference on Human Rights, Takes up Promotion of Human Rights within United Nations System

GENEVA, 17 February (UN Information Service) -- A rapid reaction mechanism to respond to any flagrant, grave and repeated violation of human rights, anywhere in the world, was one of the ideas supported in the Commission on Human Rights this afternoon by Rene Felber, President of the Swiss Confederation and Head of the Federal Department for Foreign Affairs of Switzerland. Underlining his country's commitment to human rights, Mr. Felber announced a 200,000 Swiss franc contribution to the Centre for Human Rights, to be used for the investigation of human rights violations world-wide.

Following Mr. Felber's address, Jan Martenson, Under-Secretary-General for Human Rights, introduced the question of the further promotion and encouragement of human rights, including the methods of work of the Commission. Mr. Martenson said it was only through self-critical review that improvements in United Nations human rights activities and the Commission's own work could be brought about.

Statements on the promotion of human rights, and on the role of the United Nations system, national institutions and the Centre for Human Rights were made by the representatives of Czechoslovakia, Italy, France, the Russian Federation, Nigeria, Malta, the United States, Mexico, Hungary, Bangladesh, Brazil, China, the Netherlands, the United Kingdom, Senegal and Australia.

Also taking the floor on that question were the following non-governmental organizations: the International Federation of Human Rights; Service, Justice and Peace in Latin America; International Association of Educators for World Peace; International League for the Rights and Liberation of Peoples; Commission for the Defence of Human Rights in Central America; Centre Europe-Tiers Monde; World University Service and International Education for Development Inc.

Statements on the World Conference on Human Rights, to be held in 1993, were made by the representatives of Norway and Venezuela. Representatives of

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For information media—not an official record

the International Association of Educators for World Peace; Service, Peace and Justice in Latin America; and Latin American Federation of Associations of Relatives of Disappeared Detainees also spoke.

The representatives of the Philippines and Guatemala exercised their right of reply.

Statement by President of Swiss Confederation

In his statement, RENE FELBER, President of the Swiss Confederation and Head of the Federal Department for Foreign Affairs of Switzerland, said that the stability of a State was based upon economic and social development. There could be no real security without safeguards for human rights. He suggested that the Commission on Human Rights set up a rapid reaction mecnanism to respond to flagrant grave and repeated human rights violations anywhere in the world. It was essential that such an emergency procedure, as proposed by Austria, be based on existing mechanisms of the Commission, he said.

Such a body, he said, might be able to initiate emergency procedures, perhaps to send a delegation to establish facts, draw conclusions, and make recommendations to the Commission. Calling for increased action to deal with the problem of refugees, he said that, to work alongside the High Commissioner Refugees, the Commission could designate a group of five experts to study the practices of States which did not conform to international norms and standards and which created refugee flows. Prevention was a vital aspect of that new idea, because the present machinery was of a reactive and not an anticipatory nature, he said.

He recalled that Costa Rica's suggestion of an Optional Protocol to the Convention against Torture had originally been proposed by the Swiss Commission against Torture and the International Commission of Jurists. Recommendations by experts would be confidential and thus would be of a confidence-building nature. Pillorying should be avoided, and it would be seen as a kind of advisory or consultative service in the struggle against torture. He called on the Commission to create a working group to elaborate the Optional Protocol.

Switzerland contributed to the budget of the Centre for Human Rights and provided experts as special rapporteurs for the situations of Romania and Kuwait, he said. No State could achieve political stability and economic development unless it was solidly based on respect for human rights. Development aid should be directed to States which practised "good government" and should avoid meddling in the decision-making process of the recipient State. In conclusion, he announced a contribution of 200,000 Swiss francs to the Centre for Human Rights to be used for the investigation of human rights situations world-wide.

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World Conference on Human Rights

Speaking on preparations for the 1993 World Conference, RAGNE BIRTE LUND, observer for Norway, said the Conference, when reviewing the status of adherence to the main human rights instruments, should identify how such adherence could be more vigorously promoted. It should examine the phenomenon of far-reaching reservations to those instruments. Special emphasis should also be placed on eliminating continued practices of torture, disappearances and summary executions.

He said the Conference would need to identify forward-looking strategies for dealing with the question of human rights, democracy and development. Human rights, democratic institutions and the right of people to participate in their own development were related. Factors important for good governance should be taken up. The Conference would also have to address issues regarding implementation at the national level, as well as how implementation procedures under international human rights treaties and resolutions might be made more effective.

MARIA RUESTA DE FURTER (Venezuela) said there was a wide gap between international human rights instruments and the facts. The application of one category of human rights should not serve as a pretext to ignore other, related situations. Situations differed between the developed and developing countries, for example. The conditions for enjoyment of human rights had deteriorated in the third world in recent years, and it was important for developed countries to understand that. The problem was poverty and lack of economic opportunity. Democracy was necessary for the full enjoyment of human rights, but it was hard to develop democracy without economic progress -- the two went hand in hand. It was necessary to focus on poverty and on eliminating totalitarian régimes.

He supported the idea of adopting a central theme for the World Conference. Venezuela was eager to attend the regional conference in Costa Rica and strongly supported the project of the Group of Latin America and Caribbean countries presented to the Secretary of the Conference.

TENZIK WANGMO, of the International Association of Educators for World Peace, said the World Conference could serve to guide the world in human rights in the post-cold war world. However, for the Conference to be a success, the victims of human rights abuses had to be heard. Representatives of peoples and minorities unaccredited to the United Nations also had to be heard at the World Conference. For example, the true representatives of the Tibetans had to be present to speak freely at the United Nations.

Such representation was necessary for many disenfranchised groups, not only the Tibetans, she said. The Unrepresented Nations and Peoples Organization, founded last year, was designed to put those peoples' issues on the world's agenda, without violence. Governments must listen to those whose rights had been flouted. The increasing interdependence of the human family meant that steps had to be taken for the World Conference to listen to voices which had all too often been silenced.

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PABLO FREDERICK of Service, Peace and Justice in Latin America, said many Governments felt that non-governmental organizations and human rights activists operated on an individual basis and saw that as a reason to forbid their freedom of association and even sometimes as justification to kill them. People should be educated to know their rights in Latin America. Education for human rights was a basis for spreading democracy and hope. No longer a luxury solely for the rich, human rights improved the framework of living for those who needed it most.

Respect for human rights was a condition for development and democracy helped to feed people, he said. Education could enable humans to build up their culture. Teaching human rights values would improve human behaviour. Contempt for human dignity was caused by failures of educators. The teaching of peace, human rights and disarmament was often prevented by Governments guilty of human rights violations.

Background on Promotion, Encouragement of Human Rights

Before the Commission are various reports which examine alternative approaches within the United Nations system to improve the effective enjoyment of human rights, national institutions for the protection of human rights and the coordinating role of the Centre for Human Rights within United Nations machinery which deals with those issues.

The report of the Secretary-General on the coordinating role of the Centre for Human Rights (document E/CN.4/1992/21 and Add.1) details responses to his request to Governments, specialized agencies, and intergovernmental and non-governmental organizations to express their views on strengthening the activities of the Centre.

A report of the Secretary-General on the state of regional arrangements for the protection and promotion of human rights (document E/CN.4.1992/58) describes regional contacts between the Centre and the relevant regional bodies in Africa, Asia and the Pacific, Europe and Latin America. Those contacts took the form of training courses, workshops and consultative meetings.

Another report by the Secretary-General (document E/CN.4.1992/24) focuses on the promotion of human rights in the Asian and Pacific region. In response to the Commission's request last year to ensure a continuing flow of human rights materials to the library of the Economic and Social Commission for Asia and the Pacific (ESCAP), the report states that ESCAP has been added to the Centre's mailing list. It details replies to suggestions regarding the promotion of human rights in this region from the United Nations Development Programme (UNDP), United Nations Educational, Scientific and Cultural Organization (UNESCO), Food and Agriculture Organization (FAO), and the World Food Council. Information on contacts between the countries of the region and the United Nations in the form of technical assistance and training courses is also described in the report.

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A report by the Secretary-General on the development of public information activities in the field of human rights is also before the Commission (document E/CN.4/1992/22). The improvement of public knowledge of human rights in the form of teaching and education programmes is recognized to be essential to the achievement of enduring global respect for human rights. In December 1988, the General Assembly decided to launch a World Public Information Campaign for Human Rights which aims to build up a universal culture of human rights. The five main areas of the World Campaign are: preparation and dissemination of printed information and reference materials; workshops, seminars and training courses; fellowships and internships; and special promotion activities. The report details activities in those areas by the Centre for Human Rights.

It also gives information on the multimedia approach to human rights of the Department of Public Information. The report states that the impact of the World Public Information Campaign can be assessed in terms of increased participation by the international community in United Nation human rights programmes and by greater interest of the public world-wide in questions related to human rights. In 1991, the Centre for Human Rights organized 18 workshops and seminars at the request of Governments. Technical assistance was provided to 12 Governments in areas such as documentation and legislative assistance to strengthen their national institutions. The Centre has developed a 5,000-address mailing list for the distribution of publications.

Also before the Commission is an analytical report by the Secretary-General on internally displaced persons (document E/CN.4/1992/23). The report puts the number of refugees world-wide at 17 million and internally displaced persons at 24 million. It discusses causes of displacement, consequences of displacement for the enjoyment of human rights and the question of the need for new human rights standards concerning internally displaced persons.

Introductory Statement by Under-Secretary-General for Human Rights

In his introductory statement on the further promotion of human rights, Under-Secretary-General JAN MARTENSON said it was indispensable for people to be aware of their rights in order to realize them. The promotion of information/education on human rights had become a priority of the United Nations human rights programme. The Commission and the General Assembly had given increasing attention to ways of enhancing the effectiveness of the principle of periodic and genuine elections, and to respecting national sovereignty and non-interference in the internal affairs of States in connection with elections. Under the advisory services programme, the Centre for Human Rights offered expert assistance to States in the legal and technical aspects of democratic elections. Missions had taken place in Romania, Albania and, most recently, Lesotho.

Mr. Martenson said the Centre for Human Rights, in cooperation with the Government of France, had organized the International Workshop on National Institutions for the Promotion and Protection of Human Rights in Paris from 7 to 9 October 1991. The report of that highly successful workshop was before

the Commission and merited close attention. Referring to the coordinating role of the Centre for Human Rights, he said it was essential that sufficient resources be available for the Centre. Organizational changes, including staffing reviews and adjustments of the programme activities or resource allocation, should not adversely affect the functioning of the Centre but rather should strengthen its status and enhance its role.

KAREL KALOC (Czechoslovakia) said he had studied with interest the Austrian proposal aimed at establishing an emergency mechanism of the Commission on Human Rights. A mechanism inspired by similar principles had been adopted last year in the framework of the Conference on Security and Cooperation in Europe (CSCE). Its well-considered link between existing methods of work and mechanisms could contribute towards strengthening the role of the Commission in implementing the principles enshrined in international human rights instruments. In his country, the office of the Prime Minister organized regular dialogues with non-governmental organizations in order to enable them to participate in the formulation and implementation of governmental policy. The Federal Assembly as well as the Czechoslovak National Councils had established Parliamentary Commissions for human rights and minorities.

The especially important role national institutions for protection and promotion of human rights could play was to be seen in the Centre for Documentation and Training in the Field of Human Rights to be established in Bratislava, capital of Slovakia, he said. That project was under discussion between the Centre for Human Rights, several countries and Czechoslovak federal as well as local authorities. The expanding activity of the Centre called for corresponding human as well as financial resources.

DANIELE VERGA (Italy) said that information activities were at the very heart of any process leading to world-wide awareness and a universal knowledge of human rights. He welcomed the increase in the 1992 budget for publications. In addition to the increase in financial resources, a larger share of human resources, assigned to the Centre was also a prerequisite for a better and more effective functioning of the Secretariat. Since the scope of the activities and the demands on the Centre had expanded so much, enhancement of the Centre's resources had become not only a necessity but a priority. The Italian Government was making a concrete contribution by funding a junior professional officer post that had been assigned to the Centre Information Programme.

He expressed satisfaction that the Secretary-General's report contained information relating to the situation of the documentation on human rights within the United Nations Information Centres. That data was of the utmost importance for improving the capacity of the United Nations information network to face up to the increased need for information and dissemination of materials on human rights. He regretted the postponement of the expert meeting that had been scheduled for 1991 to develop, in cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO), a manual for higher education in human rights. Italy attached great importance to the issuance of that manual, as it considered that the future of human

rights throughout the world mostly depended on the awareness that younger generations would have acquired in the decisive years of their cultural and personal preparation.

PAUL BOUCHET (France) recalled that last October, France had hosted an international meeting on behalf of the Centre for Human Rights. The institutions attending had exchanged experience as never before, he said. There was attendance from five continents, making it possible for the working group to have a wide perspective. Much was learned from studying the details of operation of different national commissions. Some had clear methods and procedures. Others had central personalities, or ombudsmen, who directed actions and focused quickly on emerging problems. Other commissions functioned by following a list of priorities.

It was clear from the meeting, he said, that it helped to have the competence and independence of the national commissions clearly established in national legal or legislative texts. It was also important to have clear links with international human rights agencies, and clear access to international rules and standards. Much remained to be done, despite the progress of national commissions on human rights. Available information indicated that less than 1 per cent of the complaints in specific cases were brought before the relevant human rights agencies at the national level. France was pleased with the recommendations and conclusions reached at the Paris meeting and commended the report to the Commission on Human Rights.

S. KOSSENKO (Russian Federation) said no detailed elaboration by specialists, even in the Commission, could replace broad public knowledge of human rights . He called for more information at the national and regional levels. The Centre would require adequate human and financial resources to deal with its burden, especially with the upcoming World Conference. Concerning internationally displaced persons, he called for legal expertise to cope with aiding those people. Non-governmental organizations might be able to contribute.

The need for national institutions to defend human rights was a matter of consensus in the Commission on Human Rights and was an issue at this moment in Russia, he said. Global coordination and comparison meetings were very useful and should be target-oriented. The Commission should be brought up to date. Its agenda included obsolete items which served as a basis for antagonism. Issues should be considered on a two-year basis, duplication should be eliminated, and the Commission should remain within its competence. Special monitoring functions should be given priority. He also supported the Costa Rican proposal for an Optional Protocol to the Convention against Torture.

JUDITH ATTAH (Nigeria), said Member States were called upon to put in place mechanisms for the effective attainment of universal human rights standards. Nigeria was unequivocally committed to the promotion, protection and enjoyment of all human rights and fundamental freedoms. In addition to the Constitutional safeguards, national institutions had been created to protect and promote the rights of the individual. The judiciary was fully independent. In 1973, a Legal Aid Assistance Scheme was established to

provide legal assistance at no cost to those needing professional help in both civil and criminal cases. As a result of the success of the scheme, Nigeria had responded to requests for assistance from other African countries. Also, within the Nigerian Bar Association, there was a highly regarded Subcommittee on Human Rights which helped individuals with evidence of infringement of their rights.

What needed to be done, as in most countries of the region, she said, was the strengthening of those institutions through frequent national and regional seminars, workshops and conferences, for all those involved in the implementation of human right statutes, especially the security forces. The reports before the Commission underscored the growing need for cooperation between the Centre for Human Rights and national institutions for the promotion and protection of human rights.

MARTIN VALENTINO (Malta) said that one of the most bitter consequences of the cold war logic had been the unchecked suffering inflicted on millions, thanks to the painful compromises required of those Governments which feared that scrutiny of the human rights records of offending States could result in a shift of support. If such compromises were painful for those Governments, still more painful had they proven to be for the victims of abuse. In that respect, those bound by duty to be active in the field of promotion and protection of human rights had become immediate beneficiaries of the end of the cold war.

He went on to say that there was one phenomenon which inspired common concern -- the abuse of human rights as a factor of instability within the boundaries of the State concerned and in its region. He welcomed the initiative taken by Austria to find ways for the international community to react to incidents of gross and acute violations. Undoubtedly the mechanism being proposed could be further perfected; yet the establishment of an emergency mechanism together with the possibility of fact-finding missions by independent experts would be a step in the right direction, he said.

SEBASTIAN CETO RAIMUNDO of the International Federation of Human Rights, expressed concern about the problems of internal refugees, especially in Guatemala and the Philippines. More than 1 million Guatemalans who had been displaced and had fled to other regions of the country lived in extreme poverty and had no rights because they had no identification papers, he said. The papers protected them only in the territories from which they had fled in order to save their lives. Many were subject to military violence. Similarly, in the Philippines, since 1987 when President Aquino had announced the Government's counter-insurgency programme, the internal armed conflict had resulted in the displacement of at least 1.1 million people. Seeking shelter in overcrowded evacuation centres, or retreating into the forests and mountains, many were afflicted with malnutrition and diseases from which they died. Inadequate government services and resources were compounded by food and economic blockades set up by the military.

The problem of internally displaced persons as a result of military operations was a national phenomenon, he said. On-site reports and

fact-finding missions were undertaken by non-government organizations. His organization and its affiliates, the Alliance of Advocates for Human Rights and the Commission of Human Rights of Guatemala, urged the Commission to react strongly to the problems of internal refugees.

CECILIA XIMENEZ/PABLO FREDERICK, of Service, Peace and Justice for Latin America, said extensive and imaginative publicity was important for the success of the World Conference. Their organization also thought funding should be available to non-governmental organizations as well as Governments to attend such Conferences and preparatory meetings. Geneva and Europe were a long way away.

The Conference should focus on economic, social and cultural rights as well as on the right to development, they said. The agenda of the World Conference should reflect this reality -- in fact the agenda was quite important and should be fashioned to reflect a solid reconsideration of the human rights situation as the century drew to a close.

LUIS ZUNIGA, of International Educators for World Peace, said the human rights problems of developed and developing countries were different. Many problems in developing, non-democratic countries resulted from unbalanced distributions of wealth and from the corruption of the totalitarian leaders. Poverty and abuse often led to extreme reactions and to violent confrontations. Establishing democracy was important but difficult; however, without democracy, there was little hope for human rights. Elections had to be held in an open and fair manner.

FEDERICO ANDREU, of the International League for the Rights and Liberation of Peoples, said impunity for human rights abuses was not only a clear and flagrant violation of human rights, but it was also the primary factor in permitting the recurrence of such practices as torture, murder and disappearances. It was paradoxical that some States which had ratified the human rights Covenants maintained impunity as an official policy. A clear example of that was Venezuela. Between October 1990 and September 1991 there had been 80 murders and 1,826 arbitrary detentions attributed to the security forces. Impunity had been granted to those responsible by military tribunals and through the institution of the "base fact" procedure. Through the latter, cases took months and years to be processed, and despite all evidence, the State's agents were always exonerated. It was not enough for States to put their stamp on human rights instruments.

ANGELO BARAMPAMA, of Centre-Europe Tiers Monde, said that ethnic tension in Burundi had since 1962 led to various massacres costing the lives of hundreds of thousands.

WILMA NUNEZ, of the Commission for the Defense of Human Rights in Central America, expressed concern at the human rights situation in Guatemala and El Salvador. In Guatemala, she said, the human rights attorney-general had not yet proven useful in preventing impunity, and the appointed presidential commission had not yet shown any results. In El Salvador and in Guatemala, for more that 10 years, there had been a broad human rights movement born of

those who had suffered human rights violations, and its discoveries usually did not please the Governments in question. The members of the movement were often subject to death because they were perceived as auxiliary to the guerrilla groups. Her organization viewed those attacks and defamations with great concern. She asked that increased protection for non-governmental organizations be extended by the Commission and the Centre for Human Rights.

The observer for International Educational Development Inc. said he wanted to bring to the attention of the Commission the situation of hostages being held by the Sudanese People's Liberation Movement (SPLM) and its Army (SPLA). A number of soldiers from the Ugandan Army had fled Uganda seeking refuge in Sudan. Unfortunately, the SPLA had abducted them and either forcibly conscripted them or held them in detention. His organization proposed that the Commission should prepare an annual list of persons known to be hostages, including the States or entities suspected of holding them.

A gross human rights violation which occurred years ago but still cried out for redress, he continued, was the situation of Korean girls and women abducted by Japanese forces during the Second World War as sex slaves, under a system known as jugun ianfu. Because of the gravity of that type of offense, identified as a war crime under international humanitarian law and as a crime against humanity if occurring in peace time, there should be some international forum where cases could be brought and where the parties could seek mediation and settlement.

In January 1992, the Government of Japan had offered an apology and statement of remorse to the Korean people through the Governments of North and South Korea, he said. However, the Japanese Government offered nothing for the victims in terms of compensation or other "effective remedy" as required by Article 8 of the Universal Declaration of Human Rights. The international community could usefully participate in solutions to long-ago violations such as that one. In particular, the Commission on Human Rights could set up a mediation panel whose mandate would include providing suggested remedies, including compensation, for victims.

M. GONZALEZ, of FEDEFAM, said that public information for the World Conference was important so that participation would not be limited to a privileged sector. The Conference should have a global, non-exclusive character. The establishment of the Voluntary Fund should extend to non-governmental organizations. The regional conferences were also important. Publications by non-governmental organizations should be disseminated. The World Conference should be an occasion for States to ratify, accede or sign the relevant human rights Conventions and Protocols of the United Nations.

RAUL MOLINA, of World University Service, speaking on behalf of the non-governmental organization Coalition against Impunity, said impunity was a strong impediment to the further promotion of human rights in countries where serious violations were occurring. The Coalition was very pleased with the decision of the Subcommission on Prevention of Discrimination and Protection of Minorities last August to appoint Louis Joinet and El Hadji Guisse to carry

out a study on the issue of impunity and how it weakened respect for human rights. It was hoped that the two experts would examine all aspects of the issue, including the serious question of self-amnesty laws granted by military Powers in Latin America, as well as take into consideration contributions from non-governmental organizations. The Commission should devote a separate agenda item to that phenomenon.

MORRIS B. ABRAM (United States) said there were currently an estimated 17 million refugees and displaced persons who had fled their homelands to seek refuge in neighbouring countries, themselves often exceedingly poor. In addition, about 20 million had been displaced within their own countries. The High Commissioner for Refugees had an important role to play but that office alone could not tackle the entire problem of the movements of people. A unitary United Nations had to look at causes of refugee flows as well as provide refugee protection. The Commission had a special mandate for dealing with the human rights issues involved in mass population movements before they occurred. How could the problem of mass exoduses be solved if one of the root causes -- human rights abuses -- continued unchallenged by the Commission? he asked. The Commission should hold accountable those Governments whose human rights records had resulted in their own citizens' flight.

On the composition of the Commission, he said his Government was concerned about the fact that some of the world's most flagrant violators of human rights sat as members. Every State had a special responsibility to uphold the reputation of the Commission. Similarly, the Economic and Social Council had a duty to protect the Commission's credibility by voting in member States with good human rights records -- certainly not States that were under investigation by the Commission.

CLAUDE HELLER (Mexico) said that in his country the fundamental rights enshrined in the human rights pacts were supported by national institutions, which in turn drew sustenance from the experience of older institutions. One of the basic objectives of his Government was to strengthen democratic life and to preserve the rule of law. Mexico had institutions and procedures that guaranteed the enjoyment of human rights. Furthermore, the new political, economic and social reality of his country had led to the reshaping of its legislation in order to broaden human rights protection. The creation of the National Commission on Human Rights was concrete evidence of the Government's commitment.

Twenty months after its creation, he said that Commission had earned the recognition of Mexican society and had facilitated a substantial change in the relationship between the Government and the people. The Commission had recently acquired constitutional rank, which guaranteed that the changes it had effected would be irreversible. Also recently, a new law prohibiting torture and a reform of the Federal Code of Penal Procedure had been adopted.

TIBOR TOTH (Hungary) said the problem of internally displaced persons resulting from man-made disasters, and currently outside the legal cover of international instruments, often spilled over states' boundaries. Those people were to be found in every continent. They sometimes accounted for 10

per cent of a State's population, victims of human rights violations in desperate need of enhanced protection.

In Eastern Europe, he went on, internally displaced persons posed an incredibly complex problem. New approaches were required, making use of the early warning capabilities of certain international organizations in a new kind of preventive diplomacy. The report by the Secretary-General could serve as a starting point. Current initiatives should bring about a framework for deliberations on that problem.

MUFLEH OSMANY (Bangladesh) said there were 70 United Nations instruments and standards on human rights -- a clear example of the increasing proliferation and fragmentation of human rights issues. The time had come to redefine and consolidate priorities in the human rights area. Democratic Government, the rule of law, the independence of the judiciary and freedom of the press were among the primary elements of human rights. Further promotion and encouragement of human rights and fundamental freedom would have to begin there. The dissipation of resources and diffusion of attention resulting from undue emphasis on less urgent issues could not be supportive of the activities of the Commission.

Human rights issues could not be fully understood in linear dimension alone, he said. There was an urgent need for a more composite and comprehensive approach. Selectivity and intense politicization could substantially undermine the credibility and effectiveness of the Commission. Many non-governmental organizations were making valuable contributions to the human rights debate. But there were some which were probably not as competent, dedicated or transparent. In the interest of protecting and advancing the credibility and good name of responsible non-governmental organizations, the Commission might include in its annual agenda an item on their role.

JOSE A. LINDGREN (Brazil) said the renewed attention now given to the functioning and consolidation of democratic institutions was perhaps the single most important new aspect that should find expression in the work of the Commission and of the United Nations in general. An increased awareness of the need to strengthen national institutions had surfaced. For the rule of law to be a reality, it was not enough that Governments simply refrain from acts inconsistent with respect of human rights and fundamental freedoms. The authorities of every country must actively promote and ensure the functioning of those institutions whose work was essential for guaranteeing human rights.

Many of the countries now striving to enhance their democratic institutions, or to move ahead in a process of transition to democracy, were experiencing problems and obstacles of a practical nature, he continued. The United Nations must live up to the expectations of those countries in their efforts to strengthen their free institutions. Some steps in the right direction had already been taken -- the advisory services provided by the Centre for Human Rights were an important example. His delegation was circulating a draft resolution aimed at establishing the concept of the strengthening of the rule of law as an important guiding principle in the work

of the United Nations in the field of human rights. The World Conference, to be held in 1993, would provide a most appropriate opportunity to study the various possibilities in that connection.

TAN SONGQIU (China) said United Nations activities in the field of human rights over the past four decades had proven that, when its activities were in conformity with the purposes and principles of the Charter, remarkable progress could be made. The Commission should carry out its work in even stricter compliance with the purposes of the Charter. Priority concern should be given to the systematic, massive and flagrant violations of human rights resulting from racism, racial discrimination, hegemony, foreign aggression, occupation, interference and domination. That should constitute part of the United Nations efforts to maintain international peace and security, thus creating favourable conditions, both domestic and international, for the enjoyment of human rights in all countries.

The Commission, he went on, should urge the developed countries to cooperate with other members of the international community so that effective measures could be taken to eliminate the various unreasonable phenomena in the global political and economic fields. The Commission had the responsibility to cry out loudly for respect for the choices made by peoples in their own countries.

PAUL J.A.M. PETERS (Netherlands) observed that documentation from the Centre on Human Rights had gone up by 44 per cent, the number of meetings serviced by 84 per cent, servicing of treaty bodies by 50 per cent, mandates regarding special procedures by 150 per cent and missions abroad 500 per cent. That had been qualified as "system overload." A very small percentage of the United Nations budget was allocated to human rights activities. And with the work load increasing it was increasingly insufficient. The 1992/1993 budget was not going to change that, although some additions had been made, as requested by the Secretary-General.

The agenda of the Commission still reflected problems experienced in an age of cold war, he went on to say. It suffered from numerous add-ons and could be more logical and coherent. It was not only a matter of money -- it was a matter of responsibly putting it to use. Adequate management and control were called for. Fact-finding in situations of conflict was always considered by his Government as an important phase in the process of reaching solutions. How much longer would it be accepted that the central United Nations human rights organ could only act during six weeks per year? he asked. In that context, the Austrian proposals regarding fact-finding and intersessional activities were welcome.

HENRY STEELE (United Kingdom) said the Commission, if it was to fulfil the hopes of its founders, respond to present-day realities, and meet the expectations of ordinary citizens around the world, had to adapt and change to new situations. Two years ago, the Commission had discussed the enlargement of its membership, and at this session it had welcomed an additional 10 members. The Commission had also discussed improvements to its methods of work. There had been much common ground on what was wrong; there was less

agreement on how the defects and deficiencies identified should be put right. Considering each reform on its own intrinsic merits was probably the right approach.

A widely acknowledged deficiency in the present system was the Commission's inability to deal effectively with urgent situations arising when it was not in session, he continued. Austria's proposal, designed to correct that deficiency, required careful consideration. But while it was right that the Commission should devote time and energy to seeking improvements in its operations, it should not be inward-looking. Last year, the United Kingdom had co-sponsored resolution 1991/25 on internally displaced persons. The question of assistance to displaced persons was clearly important. But the Commission's concern should principally be for those situations where it was the violation of human rights that led to displacement. Another vulnerable group were HIV-infected persons. When examining States parties' compliance with the human rights Covenants and other instruments, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and other treaty bodies should pay particular attention to evidence of discrimination against that group.

ALIOUNE SENE (Senegal) said new instruments were strengthening respect for human rights, as evidenced by the Constitution of Senegal. There was a right of appeal to the Supreme Court. There was freedom of the press and freedom of association, and there were federations of human rights activists.

In February 1991, he continued, an instrument to provide recourse to a mediator for claims against those in public service or authority had gone into effect in Senegal. A new electoral code had also been adopted last year to ensure free and fair elections. Another new instrument was devoted to the promotion of political pluralism in public broadcasting services. An appointed committee performed the job of arbitration. He commended the Paris meeting on national institutions for human rights protection, which had provided excellent information.

BILL BARKER (Australia) said clear thinking should prevail in relation to the legitimacy of the international community's role in the field of human rights and to the universality of those rights. The fact that human rights were not solely a matter of domestic legislation was not accepted. Those two issues were frequently discussed in the context of the international community's activity in the human rights field. It was primarily at the national level that human rights could be made a reality. Commitments at the international level, however, had limited effect without effective measures for national implementation. Australia took an active part in the meeting in Paris last October on national institutions for the promotion and protection of human rights and looked forward to the implementation of its recommendations. When dealing with national institutions the Commission should also address the broader question of establishing and strengthening the institutions of civil society, without which the rule of law was eroded and individuals' rights were not guaranteed.

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Recalling resolutions adopted by the General Assembly and the Commission regarding non-selectivity, objectivity and impartiality, he said it was the responsibility of the United Nations and its Member States to be vigilant about human rights abuses wherever they occurred. Those principles only made sense in considering how that responsibility was to be pursued. That the Assembly had taken up the appalling violations during the Iraqi occupation of Kuwait and drawn attention to the continuing repression in Myanmar, showed that the overwhelming majority of Member States did not intend to turn their backs on that responsibility. As for the issue of internally displaced persons, the Commission should consider it in the wider context of general population movements.

Right of Reply

RUTH LIMJUCO (Philippines) said, in reference to the earlier statement by the International Federation for Human Rights, that everywhere in the world where the State had tried to put down insurgencies, civilians had not been spared. The dislocation of civilians in the Philippines had occurred by coincidence and not by design. It was not the policy of the Government to subordinate human rights to the struggle against the insurgency. Mistakes had been made in the military campaign. But in the interest of fairness and accuracy, condemnation should be borne by both sides. Furthermore, the internal refugees in the Philippines had not all been displaced by the armed conflict. Many had been displaced by natural disasters, such as earthquakes, typhoons and the eruption of the Mount Pinatubo volcano. Those people also had to be attended to by the Government. But the Government could only do so much with the resources available to it.

CAROLINA RODRIGUEZ (Guatemala) said that a certain non-governmental organization had informed the Commission of certain falsifications based on sectarian issues. She thanked the Chairman for his prompt response to the organization.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/324
19 February 1992

HUMAN RIGHTS COMMISSION HEARS STATEMENTS FROM FOREIGN MINISTER OF COSTA RICA, MINISTER OF JUSTICE OF RWANDA

Debate Begins on Rights Violations in Any Part of the World

GENEVA, 19 February (UN Information Service) -- The Commission on Human Rights this morning took up the question of human rights violations in any part of the world, and it heard addresses by the Minister for Foreign Affairs of Costa Rica and the Justice Minister of Rwanda.

The Commission was told that the Government of Costa Rica held as a principle that human rights were an essential element of current international relations, and the Commission was called on to take energetic action to help restore "democratic institutionality" and promote human rights in Haiti.

The Commission also heard that despite the efforts of the Government of Rwanda, Uganda-backed rebels continued their aggression against that country.

Opening the meeting, the Chairman of the Commission, Pal Solt (Hungary), announced that during its closed meeting yesterday, held to examine situations appearing to reveal a consistent pattern of gross violations of human rights, the Commission looked at the cases of Bahrain, Myanmar, Syria, Somalia, Sudan, Chad and Zaire. The study of the situation in Zaire was postponed to a later date, while study of the situation in Syria was completed within the framework of this confidential procedure.

Introducing the question of human rights violations in any part of the world, Under-Secretary-General for Human Rights Jan Martenson told the Commission that in its crucial debate on these matters, the victims of violations had to be kept in mind. The establishment of a new system of international relations should begin with effective responses to their appeals.

Also this morning, the Commission continued to review the question of the further promotion of human rights. Statements on this were made by representatives of Cuba and Burundi. The Commission will shortly proceed with the study of human rights violations in specific countries or territories. Under this item the Commission heard the introduction of a report on arbitrary

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executions. Its author, Special Rapporteur Amos Wako, said the number and type of cases had continued to increase. In 1989, 100 communications concerning cases had been sent to 46 countries; the present report incorporates 174 communications to 65 countries.

Statement by Minister for Foreign Affairs of Costa Rica

BERND NIEHAUS, Minister for Foreign Affairs of Costa Rica, told the Commission his Government held as a principle that human rights were an essential element of current international relations. Only with universal observance of human rights could one speak of a new international order.

He said the last few weeks had been "transcendental" for the history of Central America; the Peace Accords reached in El Salvador had put an end to a bloody armed conflict which had cost 70,000 lives. Costa Rica congratulated President Alfredo Cristiani for his policy of dialogue, and expressed its supported for the Total Peace Plan of President Serrano of Guatemala.

On the situation in Haiti, Mr. Niehaus said that in order to achieve peace and respect for human rights, it was essential that the civilian Government be reinstated. The Commission should take energetic and drastic action to help restore democratic institutionality and thus promote effective respect for human rights in that country. Fortunately, he said, democracy now prevailed in Latin America, except in Haiti and Cuba. However, democracy was more than the periodical change of governments, it was a way of life. There was a need for Latin Americans to support their democratic systems, some of which were exposed to grave economic and social problems. Recent events in Venezuela obliged the international community to be vigilant. He said environmental conservation was closely linked with human rights. Despite the need for further study of the issue, Costa Rica shared the view that the right to a healthful environment should be developed as a required right.

Mr. Niehaus spoke of the draft optional protocol to the Convention against Torture introduced by Costa Rica in 1980. He said the idea behind the draft was very simple: since torture took place in secret places, the best way to fight against it was to have access to places of detention in order to establish that torture was not being practised. The system of visits to prisoners of war employed by the International Committee of the Red Cross (ICRC) proved very effective, so why not create a system for all persons deprived of their liberty? The mechanism proposed by Costa Rica was not aimed at denouncing Governments; rather it was a matter of submitting specific recommendations on preventing the degrading practice of torture.

Statement by Minister of Justice of Rwanda

MATHIEU NGIRUMPATSE, Minister of Justice of Rwanda, spoke about the continuing war in his country. After being chased out of the country at the end of October 1990, the Inyenzi-Inkotanyi group had succeeded, thanks to the complicity of Uganda, in transforming their war of aggression into a guerrilla war. The Government of Rwanda had continued to look for ways to put an end to it, at first through bilateral contacts with the Ugandan authorities and then

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through regional cooperation and the mediation of President Mobutu Sese Seko of Zaire. The Zanzibar meeting with the Ugandan authorities, in February last year, had been fruitless owing to the intransigence of Uganda, which did not recognize the active role it played in pursuing the war. President Mobutu's mediation had led to a cease-fire accord, which had been frequently violated by the aggressors. Rwanda had officially accused Uganda at the Organization of African Unity (OAU) Summit last June for its complicity with the aggressors.

Mr. Ngirumpatse said the war being conducted against his country was not limited to the battlefield. The aggressors had also tried to soil Rwanda's image, particularly with regard to respect for human rights in the country. In April 1990, the Government had decided, within the framework of national reconciliation, to free all persons detained in connection with the war imposed on Rwanda. Other amnesty laws had also been promulgated since then. On allegations of extrajudicial executions, he said that since the attack provoked by the Inyenzi-Inkotanyi, his country had known inter-ethnic tensions which had led to murderous conflicts. Wherever such conflicts had occurred the Government of Rwanda had taken measures of pacification. Nevertheless, it was not always easy to control the reactions of individuals. Regarding the supposed massacres that had taken place in the country, only one person had died in the inter-ethnic troubles. Since the start of the war, the Tutsis had multiplied their acts of provocation vis-à-vis the Hutus.

There had also been allegations of "supposed violations" of the freedom of the press. Rwandan journalists, he said, were free to carry out their professional activities, except for the director of the "Tribun du Peuple" who had recently been arrested for outrage against the Head of State. He had been tried and sentenced to four years in prison. When the war began, Rwanda's democratization process was well advanced; if the aggressors were really interested in democracy in the country, they should respond to the many calls to put down their arms and contribute to the success of that process.

Report on Summary or Arbitrary Executions

Introducing his tenth and last report on arbitrary and summary executions, Special Rapporteur AMOS WAKO recalled that several conclusions he had drawn in his first report in 1984 were sadly still true today. Ten Governments were sent letters containing allegations in 1984 and 49 in the current report. The number and type of cases reported had not only continued to increase, they had risen dramatically in the last two years. During 1990, the number of urgent appeals alone had almost doubled, rising from 64 appeals sent to 25 countries to 125 appeals to 44 countries.

He said the enhancement of the democratic system, the strengthening of the rule of law, a greater understanding and respect for the right to life, particularly among the law enforcement agencies and those who had to use weapons in their activities, would all go towards eliminating the phenomena of arbitrary or summary executions. Concurrently with this, there was an urgent need to deal with all the underlying causes which led to conflict in any society.

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Mr. Wako stressed the importance of undertaking missions to examine the situation "in situ" and expressed his appreciation to those Governments which had invited him to their countries: Suriname, Uganda, Colombia, Zaire, Peru and Sri Lanka. The Special Rapporteur also undertook a mission to Zaire in May last year. His report stressed the need for establishing and maintaining a dialogue between the Special Rapporteur and the Government of Zaire on those issues which touched upon the inherent right of every human being to life and the obligation of the Government to ensure that this right was accorded full protection.

Noting that his mandate had grown rapidly and that the staff resources of the Centre for Human Rights assigned to him had been stretched to the limit, he appealed to the United Nations to increase the material and human resources available to the Centre.

Statements in Debate

RAUL ROA-KOURI (Cuba) said that the so-called "new world order" was being imposed on others by the United States and that the reputation and effectiveness of members of the Commission were unimportant to that Government. The only States which could be elected to the Economic and Social Council were those graced with the vote of the United States. "Humanitarian intervention" was a phrase which provoked the same reaction in the Cuban delegation as would "justified torture". He said the illegal acts of the United States were aimed at destroying three basic principles recognized in the Charter: self-determination, sovereignty of States and non-intervention in the internal affairs of States. Those were especially important principles for small States. Cuba was not ready to surrender those principles.

All the procedures and methods of the Special Rapporteurs and Working Groups had been composed gradually and their parameters had never been fixed. There should be a detailed discussion on this matter and the Secretary-General should provide precise details on the original mandates, conceptional and procedural, for those activities.

Mr. Roa-Kouri said that if the delegation of Australia were to propose an invitation for a mission to examine the difficult situation which existed for its aboriginal population, Cuba would be willing to support such a resolution.

NZEYIMANA LAURENT (Burundi) said the ideal of human rights always lay ahead. Whether it was reduction of poverty for more developed countries, or merely developing in order to survive, ideals for the enjoyment of human rights remained in the future. In Burundi, freedom of religion and the enjoyment of civil and political rights had been assured as a result of its recent ratification of international instruments to that effect.

Non-governmental organizations were functioning in the service of human rights in Burundi, he added, and many other changes had taken place to promote a national climate of human rights respect. There were no more political detainees in Burundi, and a new Constitution would usher in free and fair elections early in 1993. Progress in human rights in any country depended on legal machinery and the teaching of awareness of human rights. So that all citizens, especially young people, would be aware of their rights, an international information campaign would be useful in this respect.

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United Nations

Press Release

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20 February 1992

HUMAN RIGHTS COMMISSION HEARS REPORTS ON KUWAIT AND CUBA

Concludes Discussion of Further Promotion And Encouragement of Human Rights and Fundamental Freedoms

GENEVA, 19 February (UN Information Service) -- The Special Rapporteur of the Commission on Human Rights on the Situation in Occupied Kuwait, told the Commission this evening that the fate of persons missing during the Iraqi occupation of Kuwait deserved special attention.

Speaking as the Commission continued its study of the question of human rights violations in any part of the world, Walter Kalin (Switzerland) said there were strong reasons to believe that among these persons many had been arrested by the Iraqi occupying forces and never released.

The Commission heard Special Representative Rafael Rivas Posada (Colombia) introduce his report on the human rights situation in Cuba. Earlier, the Commission concluded its general debate on the question of the further promotion of human rights. Participating in this discussion were observers from Turkey, Poland and Morocco. There were also statements from representatives of the following non-governmental organizations: Refugee Policy Group, Caritas Internationalis, International World Group for Indigenous Affairs, International Fellowship of Reconciliation, World Association for World Federation, American Association of Jurists, Latin American Federation of Associations of Relatives of Disappeared Detainees, World Association for the School as an Instrument of Peace, and Minority Rights Group.

On the question of the violation of human rights and fundamental freedoms in any part of the world there were statements from Cuba, Pakistan and the United States; from observers from Kuwait and Qatar; and from representatives of the following non-governmental organizations: International Human Rights Law Group, Women's International League for Peace and Freedom, Liberation, Human Rights Advocates, Andean Commission of Jurists and the Arab Organization for Human Rights.

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Austria, Cuba, Japan, India, Pakistan, Uruguay, Iraq and Kuwait exercised the right of reply.

Violations of Human Rights in Any Part of World

For its consideration of the question of the violation of human rights and fundamental freedoms in any part of the world, the Commission has before it a number of documents and reports.

A report of the Secretary-General on Cyprus states that on 19 December 1991, he had presented to the Security Council his final report on his mission of good offices in Cyprus. He explained why discussions foreseen by the Council had to be postponed and expressed the view that the process could resume in early 1992. He reaffirmed that progress had been made in preparing a set of ideas for an overall framework agreement. Pending a settlement, the report goes on, the United Nations Force in Cyprus (UNFICYP) has continued to discharge humanitarian functions on behalf of the Greek Cypriots living in the northern part of the island. The UNFICYP officers have continued to interview, in private, Greek Cypriots applying for permanent transfer to the southern part, in order to verify that all transfers take place voluntarily, and 17 such transfers took place during the period 1 December 1990 to 30 November 1991.

On the human rights in Southern Lebanon, a report of the Secretary-General recalls that he had requested to bring a resolution of the Commission to the attention of the Government of Israel, inviting it to provide information on the extent of its implementation of the resolution. He said no reply had been received from Israel at the time of the preparation of the report.

A report on the situation of human rights in Cuba prepared by Rafael Rivas Posada, Special Representative of the Secretary-General, lists a number of alleged human rights violations perpetrated against individuals. The Special Representative says that since it was impossible for him to establish direct contact with the Government of Cuba, he was obliged to limit his efforts to compiling information supplied by Cuban citizens. The complaints and allegations received, and subsequently communicated to the Cuban authorities for their comments, have so far remained unanswered, which also means, the report states, that they have not been contradicted. According to Mr. Rivas Posada, the majority of cases reported over the past two years relate to disappearances arising out of failed attempts to flee Cuba, under conditions which put at risk the lives of those thus seeking to emigrate.

A report submitted by Special Rapporteur Joseph Voyame, deals with the human rights situation in Romania. At its forty-seventh session, the Commission expressed the conviction that the continued services of the Special Rapporteur, appointed in 1989, would be of benefit to the Government and people of Romania during the present period of transition towards full respect for human rights and fundamental freedoms in Romania. The Commission, among other things, took note of the fact that, despite regrettable lapses, respect for human rights was in general continuing to improve in Romania.

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Concerning the situation of human rights in Albania, a report of the Secretary-General says it is more than a year since Albania embarked upon the "irreversible road to democracy, freedom and human dignity, the rule of law based on the respect of human rights and fundamental freedoms". The democratic transformations embrace all spheres of life in the society and all aspects of human rights and fundamental freedoms.

Albania is now a parliamentary republic and free, fair, periodic and secret elections have been guaranteed, the report goes on. In addition, Albania has signed or ratified a series of international instruments.

According to a report of the Secretary-General on the situation in Tibet, the Government of China states that the democratic reforms carried out by China in Tibet in 1959 abolished the feudal system of serfdom after which, for the first time, the Tibetan people began to enjoy the human and citizens' rights provided for under the Constitution of China.

However, according to the information supplied by China, since 1987 a handful of Tibetan separatists had instigated riots in Lhasa, the capital of the Tibet autonomous region. It had been necessary and justified, said the Chinese statement, for the Chinese Government to adopt measures to suppress such riots, which gravely endangered State security and which were not peaceful demonstrations. China said a Subcommission resolution on the fundamental human rights and freedom of the Tibetian people was "a gross violation of China's sovereignty and an infringement on the principles of the Charter".

The Human Rights Commission is also to consider a report on the human rights situation in Iran by the Special Representative of the Commission, Reynaldo Galindo Pohl. The report concludes that in 1991, Iran made no appreciable progress towards improved compliance with human rights in accordance with the current international instruments. Statements of intent have been made concerning observance and the elaboration of legislative reforms, together with promises, but they have not been carried out to a sufficiently significant extent.

The Special Representative is of the opinion that international monitoring of the human rights situation in Iran should continue, and that the Government should once again be urgently called upon to comply with international human rights standards, without any exception and modifications deriving from highly specific cultural concepts.

The report of Walter Kalin, the Special Rapporteur mandated to examine the human rights violations committed in occupied Kuwait by the invading and occupying forces of Iraq, indicates that, according to available information, several thousand civilians were arrested, detained for prolonged periods and in many cases even deported to Iraq. The mass arbitrary or prolonged detention of civilians in many cases was not justified, even in terms of military necessity. In a large majority of cases, detentions were undertaken in violation of the procedural rights guaranteed by the Fourth Geneva Convention. The report concludes that torture and cruel, inhuman and

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degrading treatment were systematically used during interrogations of many of those arrested during the time of the occupation. Regarding the right to life, there is ample evidence of widespread arbitrary and summary executions. Furthermore, more than 2,000 persons are reported by their families as still missing in Kuwait.

The Special Rapporteur concludes that Iraq is internationally responsible for the violations of human rights described in the report. He recommends, among other things, that the competent organs of the United Nations provide for compensation, through the fund established in accordance with Security Council resolution 687 (1991), for victims of violations committed by the Iraqi occupying forces, regardless of their nationality and present status.

Statements in Debate

AYDIN SEZGIN, observer for Turkey, said the current system for protection of human rights was, in the end, incapable of preventing violations. There was a difference between international instruments and real events. Should the methods be reconsidered? Most violations involved confrontations between government security forces and armed terrorist groups. This did not remove the responsibility of States to observe human rights. However, focusing only on the alleged abuses of the States without blaming the terrorists only prolonged the problems and worsened them.

ZDZISLAW KEDZIA, observer for Poland, called for the Commission to take a position concerning the impact of acquired immunodeficiency syndrome (AIDS) on human rights. After wide consultations, his delegation intended to submit, with others, a draft resolution to underline the necessity to prevent any kind of discrimination resulting from the AIDS pandemic. Turning to another issue, he said that the problem of how to react to human rights emergency situations was becoming more frequently the subject of international discussion. In the case of gross and acute violations, prompt action had to be undertaken. The Austrian proposal on this matter kept a proper balance between the principles of the Charter on State sovereignty and human rights protection. He said Poland would continue its efforts to contribute to the substantive work and results of the 1993 World Conference on Human Rights.

MOHAMMAD LAGMARI, observer for Morocco, said that after all the work accomplished in the field of human rights, the problems States faced were mostly related to the preparation of reports for the different monitoring mechanisms. The Committee on the Elimination of Racial Discrimination, which was not funded through the regular United Nations budget, could not hold some of its sessions due to a lack of financial means in recent years. There had been a multiplication of conventional mechanisms which constituted yet another burden for the Centre for Human Rights. There were also overlaps and duplication in the activities of the various mechanisms; thought should be given to rationalization.

MALA PAL, of the International Alliance of Women, said experience gained in combating AIDS-related discrimination could be of benefit in combating other forms of discrimination and intolerance. These lessons included the

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importance of the work of self-help organizations of people directly affected by discrimination. The Commission could also learn from the unprecedented international cooperation in the field of AIDS. Much could be achieved in seeking full enjoyment of human rights in other fields if similar cooperation could be encouraged between States, specialized agencies, other United Nations bodies, and the non-governmental organization community.

MARTIN MACPHERSON, of the Friends World Committee for Consultation (Quakers) and the Commission of the Churches and International Affairs (World Council of Churches), said concern for displaced persons was central to the prophetic mission of the church. Throughout the world the churches were in the forefront of efforts to raise awareness about the plight of displaced persons. Today, few Governments could remain unconcerned about this growing phenomenon, and the probability that large numbers of internally displaced might be forced to seek refuge in neighbouring States. It was in the interest of the international community to seek ways to address the root causes which provoked displacement.

ROBERTA COHEN, of the Refugee Policy Group, said there were 13 million persons internally displaced in Africa, 5 million in Asia, more than 2 million in Europe and 1 million in the Americas. International efforts to date had focused mainly on the relief needs of internally displaced persons, not on protection. It was in this respect that the Commission could make an important contribution. By establishing machinery to examine and monitor the human rights situation of internally displaced persons, the Commission could go a long way towards increasing their protection and physical security.

MARY TOM, of Caritas Internationalis, said the Commission could not overlook the plight of thousands of persons in many parts of the world who constituted a particularly vulnerable category, whose rights were not guaranteed either at the internal or the international level. He said he was speaking of those who had fled their homes but had not crossed international borders and perhaps still held national passports, who did not come under the mandate of the United Nations High Commissioner for Refugees and remained -- at least theoretically -- the responsibility of their own Governments. The numbers were massive.

As yet, there were no generally accepted international standards applicable to all internally displaced persons, nor any international body having special responsibility for the protection of their rights.

EM MARTA, of the International Work Group for Indigenous Affairs, said the deliberate, planned displacement of populations by Governments without discussion, or the consent of the people involved, required the attention of the Commission. In many areas where there were armed confrontations, Governments grouped villages and people into areas which were more easily controlled. Another form of displacement arose from armed conflict and ethnic strife. People fled to get out of harm's way.

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There were few international relief agencies which could work with the internally displaced. Suggestions that the Commission appoint a working group or a special rapporteur on the internally displaced were therefore welcome.

MOHAMMAD KHADER, of the International Fellowship of Reconciliation, said that one year ago he had lost his wife and four daughters in a United States attack against a civilian bomb shelter in Baghdad. The Ameriyya shelter was clearly protected under international law, which prohibited the targeting of civilians. The Ameriyya shelter was on a quiet street in a middle-class neighbourhood. A large sign outside read "Department of Civilian Defence Public Shelter". The United States said the shelter was really a military centre, but Mr. Khader said he never saw anything more than a few guards.

Mr. Khader said he had learned that there was no international organization specifically charged with enforcing the law prohibiting such an attack. If the Commission was serious about bringing the conduct of war under international rule, if it was serious about ensuring that civilians would no longer be treated as pawns in military battles, then it must begin to monitor and enforce international humanitarian law.

RENE WADLOW, of the World Association for World Federation, presented to the Commission the "People's Decade of Human Rights Education (1991-2001)", an international, non-governmental strategy for popular and formal education in human rights and democracy. He said knowledge of human rights and fundamental freedoms was at the heart of the World Human Rights Information Campaign mandated by the Commission and by the General Assembly in 1989. Another important aim of the Decade, she said, was to encourage international networks through which people active in human rights education might share methodologies, materials and teaching aids, and learn from each others experiences.

A. TEITELBAUM, of the American Association of Jurists (AAJ), said the realization of the activities of the United Nations were seriously threatened by the deficit caused by the arrears accumulated by the majority of Member States. He recalled that the Committee on the Elimination of Racial Discrimination would not be able to meet next month for lack of $17,000. His Association hoped that with the reforms carried out in the "top end" of the Secretariat, the reasons for some of the main contributors allowing arrears to the Organization to grow, would disappear. The former Secretary-General had called last year for the creation of a permanent fund for peace-keeping operations. The Association proposed that arms sales be taxed and that the money thus raised be deposited in the United Nations account.

LOYOLA GUZMAN, of Latin American Federation of Association of Relatives of Disappeared Detainees (FEDEFAM), said it was not sufficient to set up human rights bodies; there had to be effective investigation of complaints and effective action taken. In Colombia, she said, complaints of disappearances always drew the response that the matters were being investigated. In Mexico, the national Human Rights Commission investigated complaints and issued reports but the process was limited by internal regulation. Recent laws in Argentina and Uruguay also contradicted international human rights instruments.

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The six weeks of the Commission's annual session left those in Latin American countries with a feeling of frustration; the resolutions passed seemed symbolic rather than realistic, and this situation could not continue. National institutions had to promote and protect human rights more effectively.

ADAM PIERRE ADOSSAMA, of the School as an Instrument of Peace, said his organization had for 24 years been working for the implementation of the right to education. Education in human rights should not be a matter of sporadic activities. The question came up as to how many Member States of the United Nations provided for human rights teaching as part of elementary education. Children must become capable of implementing rules of morality and justice. They must learn to ask why and how. Populations could become aware of their rights and of how to resolve conflicts peacefully. One must encourage new behaviour patterns between groups and peoples in order to realize the goal of peace.

ANNE CHRISTINE BLOCH, of Minority Rights Group International, cited a number of situations which it and other non-governmental organizations had brought to the attention of the Human Rights Commission, but where there had been no effective action. In both Afghanistan and Somalia there were conflicts originally emanating from super-Power rivalry. They were in danger of being forgotten by the outside world. In Afghanistan, ruthless ground and air attacks had killed and injured a million non-combatants, had disabled a quarter of a million, and created 5 million refugees. In Somalia the persecution of specific clans and the uncontrolled mass violence in the south since early 1991 had resulted in thousands of deaths and hundreds of thousands of refugees and displaced people. She urged the foreign Powers previously involved to place diplomatic and other pressure on their allies and former allies to bring them to the conference table. The Secretary-General needed the complete support of the members of the Human Rights Commission and the Security Council to put pressure on the parties to the conflict in Somalia to reach a peaceful conclusion. She said tyrants must not be allowed to hide behind the word "sovereignty" so that they could ignore the people's need for peace and justice.

Report on Kuwait under Iraqi Occupation

WALTER KALIN, Special Rapporteur, introducing his report on the situation of human rights in Kuwait under Iraqi occupation, said the Government of Iraq had responded to his report; however, due to time restrictions, these responses had not been incorporated into the report, but were available in a separate document. The findings of the report concerned the past. An on-going problem deserving special attention was that of missing persons. There were strong reasons to believe that among these persons, many were arrested by Iraqi occupying forces and never released. Up to now, Iraq had failed to give appropriate information on persons arrested by its authorities in Kuwait but not yet repatriated. It also had not reported cases of death occurring in detention and cases of persons sentenced to death as was required by the Third and Fourth Geneva Conventions.

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Mr. Kalin recommended that, in order to clarify the fate of the still-missing persons, a case-by-case approach be taken, in conjunction with the competent United Nations organs, the International Committee of the Red Cross (ICRC), and the Governments of Kuwait and Iraq. In this regard, he welcomed the efforts of the Government of Kuwait to re-examine its list of missing persons. A positive gesture from the side of the Government of Iraq would contribute in a very important manner to solution of a very difficult problem, he said.

Mr. Kalin added that he had received large numbers of claims for compensation, either for material damages or personal injuries. All such claims were being transmitted to the Commission on Compensation established by Security Council resolution 687 (1991) on 3 April 1991. He recommended that the Compensation Commission consider human rights violations with a view to providing monetary compensation as well as other remedies where appropriate.

Report on Cuba

Introducing his report on the human rights situation in Cuba, Special Rapporteur RAFAEL RIVAS POSADA said it was possible that the Government of Cuba might have provided explanations concerning some of the individual cases referred to in those reports in the replies it had submitted to the Subcommission on Prevention of Discrimination and Protection of Minorities under the confidential procedure governed by Economic and Social Council resolution 1503. The provisional nature of the final remarks in his report should be recognized as due to his inability to discuss the information with the Government.

Mr. Rivas Posada said he wished to comment on recent events in Cuba, but not to prejudge the right of the Cuban Government to prosecute unlawful acts committed on its territory. However, the way these cases were prosecuted might lead to effects that were adverse for the proper enjoyment of human rights. He hoped the Commission would in the future be able to count on the cooperation of Cuba to clear up reported cases.

RAUL ROA KOURI (Cuba) recalled that his delegation had indicated last year before the Commission that it would not abide by resolution 1991/68. Cuba had supported another draft co-sponsored by a number of Latin American and non-aligned States recommending that the Secretary-General maintain contacts with the Government. The Government of Cuba could not accept the imposition of a Special Representative. As was well known, this had only been done by the Commission in cases of flagrant and massive human rights violations, which was not the case in Cuba which zealously complied with the commitments undertaken as a member of the United Nations.

He said the report of the Special Representative accepted as truthful the affirmation of individuals who did not live in Cuba. Among the informants cited in the report were two who, respectively, had served prison terms for hiding a murderer and for attempting to infiltrate on behalf of the Central Intelligence Agency (CIA). There was also information from supposedly "serious" sources including one which received funding from a front

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organization used to finance defamatory campaigns against Governments the United States administration considered to be "enemies". Cuba energetically rejected the affirmation of "the so-called Special Representative" that there were sufficient grounds for signalling the absence of guarantees related to the exercise of the rights to political participation, expression and association.

MOHAMMAD SAEED ANSARI (Pakistan) reported gross violations of human rights in Indian-occupied Kashmir. He said the territory of Kashmir had been under siege since January 1990, when the Indian security forces had launched a bloody crackdown to suppress the popular Kashmiri movement for self-determination. There had been indiscriminate killings, mass arrests, rape of women in front of their kin by security forces, looting, and deliberate arson. Tens of thousands of Kashmiris had lost their lives. These human rights violations had been documented by scores of international journalists and human rights organizations, including Amnesty International.

He said India had unleashed a reign of terror in the Kashmir territory to crush the legitimate demands of the people. The Commission should act by sending a neutral fact-finding mission to ascertain and verify the actual situation.

KENNETH BLACKWELL (United States) commented on a number of significant achievements and positive trends. Argentina had made major strides in recent years in restoring democracy and liberty and in promoting economic development. Chile was another nation in which the process of reconciliation was well under way, and the United States also noted significant democratic trends in Benin and Zambia. He regretted that in other areas of the world there were reasons for concern. In Haiti, a democratically elected Government had been overthrown. In Sudan, the ongoing civil war had produced many civilian casualties and had been associated with Government repression of speech, arbitrary arrest, detentions and unfair trials of civilians in military courts. In addition, the civil conflict in Afghanistan remained unresolved. Five million Afghans had become refugees, primarily in Pakistan and Iran, and the regime continued to restrict virtually all the main categories of human rights. In Yugoslavia, the various combatants appeared to have carried out many atrocities and other violations of human rights and fundamental freedoms. The United States supported the ongoing efforts of the United Nations and European Community to bring about a peaceful solution.

He said the Government of Cuba had flouted the will of the international community by refusing to cooperate with the Secretary-General's Special Representative. It restricted all basic human rights, including the rights to freedom of expression and association, the rights of workers, and the right of citizens to change their government. Mr. Blackwell added that serious violations of human rights continued in Iraq, Iran, North Korea, China and Myanmar.

SALEM JABER AL-SABAH, observer for Kuwait, said that during the Iraqi occupation of his country, Iraqi forces had subjected the Kuwaiti people to all aspects of oppression, torture and terrorism -- in particular, to a new

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type of terrorism practised during the last days of occupation, namely, environmental terrorism. Iraq should be held internationally responsible for the violations of human rights and the damages inflicted on Kuwait during the occupation. Kuwait supported the Special Rapporteur's proposal to conduct proceedings against individuals responsible for grave breaches of violations of humanitarian norms in occupied Kuwait.

He said that during the first period of liberation, isolated cases of violations of human rights had taken place by individuals under severe psychological pressure. At the same time, Kuwaiti inspection points were subjected to fire attacks by infiltrators planted by the Iraqi authorities and many Kuwaiti security personnel died. The Iraqi authorities were directly responsible for all those events. On regaining power, the Kuwaiti Government, through the Kuwaiti system, had dealt justly with cases of collaboration. In an act of clemency, all death sentences pronounced by courts were commuted to life sentences. The Kuwaiti people were still suffering as a result of the ongoing detention by Iraq of prisoners, and of Iraq's failure to account for missing persons.

MOHAMED AHMED AL-THANI, observer for Qatar, said Iraq had not complied with United Nations resolutions to withdraw from Kuwait and the Press had subsequently reported human rights transgressions and barbaric acts committed by Iraqi forces. Economic, social and cultural rights had also been flagrantly violated. It was difficult to understand why the Government of Iraq refused to provide information on missing Kuwaiti citizens, as was required by international instruments. He referred to the Special Rapporteur's account of the situation, drawing the Commission's attention to reports of torture, disappearances, arbitrary executions, forced deportations and other offences committed by Iraqi troops against Kuwaitis. He also charged that attempts had been made to disrupt basic health services and to block access to hospitals, and urged the Commission on Human Rights to demand that Iraq provide lists of the missing Kuwaitis and of those who had been killed.

J. DILLER, of the International Human Rights Law Group, told the Commission that by the end of 1991, the brutal suppression of political opposition by the Government of Myanmar had resulted in the detention of at least 64 elected Parliamentarians, the death of at least two others in custody and the flight of more than 20 other elected representatives. The total number of Burmese forced out of their country by persecution and civil war was estimated at more than 100,000. The Law Group urged the Commission to appoint a special rapporteur to examine the human rights situation in Myanmar.

She said that since the end of the Gulf war and the popular uprisings in the southern and northern regions of Iraq in March 1991, evidence had increasingly come to light which indicated a pattern of massive violations of human rights committed by the Government of Iraq against its citizens. Her Group requested the Commission to ensure that a team of human rights monitors be sent to Iraq as soon as possible.

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In Guatemala, she added, members of the army, police and civil patrols were responsible for many crimes. That Government had neglected the protection of human rights monitors and several of them had been assassinated in the past year.

SASKIA KOUWENBERG-ALISON MARKS, of Women's International League for Peace and Freedom, said when it became clear that the long-awaited United Nations/Portuguese delegation was not coming to East Timor, an elderly woman had told her that East Timorese people were absolutely terrified, because many people had "stuck their necks out" to prepare for the arrival of the delegation. They had done so because they saw this visit as the chance of a lifetime to show the outside world of their suffering. They also viewed it as a genuine indication that Portugal and the international community were finally prepared to initiate a process of peaceful negotiations.

The speakers called on the Human Rights Commission to appoint a special rapporteur to investigate abuses and protect human rights in Guatemala. They said their organization was especially concerned about the situation of women in Iran. There were reports that the most poverty-stricken sectors of the Iranian society, which were subjected to fear, poverty and repression, were encouraged to marry off their daughters when they were very young, in exchange for money. Many prisoners of conscience, including women, had been executed by the Iranian regime; there had been reports indicating that most of those sentenced to death were humiliated and tortured before execution, and that the women were raped.

PEDRO PINTO LEITE, of Liberation, remarked that Bhutan had been characterized by a consistent pattern of gross violations of human rights for many years. Reports were coming in of massive arrests and arbitrary detention, torture, extrajudicial killings and disappearances. In occupied East Timor, the Santa Cruz massacre of 12 November had been condemned throughout the world, but it was only the latest in a series of bloodbaths that had stained many parts of the Indonesian archipelago. He called on the Commission to heed the demands of many groups in Indonesia for investigations of all those massacres and killings.

HRAIR BALIAN, of Human Rights Advocates (HRA), spoke of the nationalities conflicts in the former Soviet Union. He said that with more than 100 nationalities crossing over many arbitrarily determined borders, and often subjected to mass population transfer to serve political ends, the risk of explosive situations should have been obvious. However, the international community had largely ignored those conflicts. The Nagorno-Karabagh conflict was only the tip of the iceberg, and it illustrated the concerns of his organization. The violence had resulted in more than 2,000 deaths and a mass transfer of populations between Azerbaijan and Armenia. The organization appealed to the Commission to prevent further bloodshed, massacres, and the proliferation of similar conflicts. The United Nations should deploy peace-keeping forces in Nagorno-Karabagh in order to ensure peace and security, as well as the human rights and fundamental freedoms of all inhabitants in the region.

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FRANCISCO EGUIGUREN, of the Andean Commission of Jurists, said political violence and summary or arbitrary executions continued to take the lives of thousands of people each year in Colombia and Peru. In Colombia, 2,895 people had been killed for political or presumed political reasons in the first nine months of 1991. He said there was another phenomenon apparent in Colombia recently: assassinations from so-called "social clean-up" groups, whose victims were petty thieves, drug addicts, prostitutes, homosexuals and beggars. In 1990, according to the Attorney General's office, there had been 267 "social clean-up " murders. This central Government deserved praise for its efforts to restrain that form of violence.

On the situation in Peru, he referred to statistics from the country's Senate, according to which violence unleashed by subversive groups, particularly the Shining Path, as well as the State's response to that violence, had left nearly 25,000 people dead since 1980. In 1991, the number of people killed as a result of political violence in Peru was 3,180 or almost nine deaths per day. However, the "permanent and bloody provocation of the Shining Path" could not legitimize or justify the human rights violations and disregard for the rule of law at the hands of the Government's counter-insurgency forces.

ADIL AL-JADIR, of the Arab Organization for Human Rights, said the Iraqi regime was continuing with its flagrant violations of human rights. In Djibouti there were also extensive human rights violations from inter-tribal and inter-ethnic conflicts. In Sudam, in addition to civil and military violence, there were famine and a massive refugee migration. The United Nations had reacted late to this situation. He said his organization called on all relevant agencies to pool their efforts to meet this crisis situation. The famine continued to grow worse, and it was the duty of the United Nations and its agencies to take rapid action in Sudan and elsewhere in Africa to save millions of lives. The famine had not received sufficient attention; an immediate response was needed.

Rights of Reply

MOHAMMAD SAEED ANSARI (Pakistan)) said India continued to flout United Nations Security Council resolutions and refused to allow self-determination for the people of Kashmir through free and open plebiscites. India had forgotten the sad plight of its own minorities. The charges against Pakistan were baseless.

CHRISTIAN STROHAL (Austria), said he wished to thank those who had commented in favour of the Austrian proposal for an emergency mechanism for responding to human rights violations. Austria was devising a more streamlined version of the proposal following informal consultations with other delegations.

RAUL ROA KOURI (Cuba) said the Minister for Foreign Affairs of Costa Rica had maintained that there was no democracy in Cuba, whereas in Cuba the cult of the dignity of man was the first and fundamental law of the Republic. The Government was of the people, by the people and for the people. As in Costa

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Rica, representatives of the people were periodically elected from among the people. They were not members of elites or privileged minorities. The comparison of Cuba with Haiti, where a group of soldiers had toppled the constitutional Government of Jean Bertrand Aristide, was unacceptable.

KATSUMI SEZAKI (Japan) said his Government had acknowledged that the Imperial Army of Japan had used Korean women as "comfort girls". Japan had been criticized for not offering compensation, but in fact the matter was under consideration, although the delegation could not comment further.

SAIFUDDIN CHOWDHARY (India), said Pakistan had once again levelled groundless accusations against it. Jammu and Kashmir were an integral part of India and Pakistan was interfering in India's internal affairs. The people of Jammu and Kashmir, like all Indian citizens, enjoyed constitutional protection for the full enjoyment of human rights. The problem in Kashmir was Pakistan's occupation of part of it. Pakistan trained terrorists who resorted to criminal methods to thwart the citizens's enjoyment of free and fair elections.

MOHAMMAD ANSARI (Pakistan) said the statements of India had failed to redress its erroneous position. Pakistan rejected India's allegations as baseless and unfounded.

The representative of Uruguay spoke of the intervention by the Latin American Federation of Associations of Relatives of Disappeared Detainees, and said the Declaration of the Inter-American Court did not have jurisdictional power. Uruguay was proud of its amnesty law, which had been adopted through a popular referendum.

MOHAMMED AL-DOURI (Iraq) said Kuwait had referred to the question of Kuwaiti detainees in Iraq. Iraq had complied with regulations and had allowed the International Committee of the Red Cross (ICRC) to visit places of detention. It had returned more than 6,000 Kuwaitis and other nationals to Kuwait. There were 3,905 Kuwaitis still in Iraq who were not prisoners -- they could move about as they wished. Kuwait had agreed to accept the return of only 400 of them. Iraq was eager to allow the rest to return. Visits to places of detention had been provided to the ICRC so that they could compile information on missing Kuwaitis. Iraq had asked for similar rights for Iraqis missing in Kuwait and Saudi Arabia. Kuwaiti refusal of reciprocity indicated that they were afraid of revelations about their treatment of Iraqi soldiers.

SALEM JABER AL-SABAH, observer for Kuwait, said the document referred to by Iraq was the same one it had submitted to the Security Council. Kuwait had refuted all these claims. Kuwait fully complied with all its obligations under the Geneva Conventions.

SAIFUDDIN CHOWDHARY (India) said India applied the same high standards of human rights on Kashmir as in other areas of India, which was more than could be said of Pakistan. India asked Pakistan to cease providing succor to terrorists and to cease provoking sterile debates in international forums, and to join India in building good neighbourly relations.

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United Nations

Press Release

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COMMISSION HEARS OF EMERGING NEW ORDER FOR COOPERATION ON REFUGEES, MIGRATION, HUMANITARIAN AFFAIRS

Statement by High Commissioner for Refugees

GENEVA, 20 February (UN Information Service) -- A new multilateral order for cooperation on refugees, migration and humanitarian affairs was emerging, according to the United Nations High Commissioner for Refugees, Sadako Ogata, in an address to the Commission on Human Rights this morning. She said preventive protection strategies, meaning avoidance of the circumstances which forced people to leave, could and should be pursued long before people begin to flee. This would obviate the need for flight.

Mrs. Ogata's comments came as the Commission entered the second day of its deliberations on the question of the violation of human rights in any part of the world. In this connection, the Commission heard the introduction of reports on human rights in Afghanistan, Iran and Iraq.

In a statement read for him, the Special Representative on the situation of human rights in Iran, Reynaldo Galindo Pohl, said new laws and agreements could not merely be ratified and adopted by Iran, they had to be applied. In 1991 there had been more executions in the country than in the previous two years taken together.

The Special Rapporteur on Iraq, Max Vander Stoel, introduced his report and reiterated the recommendation that a team of human rights monitors be sent to Iraq to remain in that country until the situation had drastically improved. This would be the first time such a step was taken.

Introducing his report on Afghanistan, Special Rapporteur Felix Ermacora said that a general agreement to hold elections and to create conditions conducive for the return of refugees would be a main element of a peaceful solution in that country.

Taking the floor this morning were representatives of Iraq and Portugal, speaking on behalf of the European Community and its Member States.

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For information media--not an official record

Statement by United Nations High Commissioner for Refugees

SADAKO OGATA, United Nations High Commissioner for Refugees (UNHCR), noted the clear connection between UNHCR's responsibilities and the expertise of the Commission. It was broadly accepted, she said, that human rights formed the overall basis for protection and assistance to refugees, and this could be the key to finding solutions to refugee problems. Human rights violations were a major cause of refugee flows. Although armed conflict was the immediate cause of most refugee movements today, human rights violations, combined with severe economic deprivations, usually lay at the root of such conflicts. It needed to be recognized that human rights violations were a major factor of many coerced departures, and that their prevention was the best protection for refugees. The challenge was to turn this recognition into a practical strategy.

She said UNHCR should focus on preventive protection, meaning prevention of the circumstances which forced people to leave. The Office of the Commissioner had already embarked on such endeavours notably in countries in Eastern Europe. The success of preventive strategies would depend on the effectiveness of early warning of developing problems. The new challenge for UNHCR was to meet the security and protection needs of individuals prior to departure so as to obviate the need for flight.

Mrs. Ogata said she was convinced that a new multilateral order for cooperation on refugee, migration and humanitarian affairs was emerging, with prevention likely to take on a prime focus in a global, solutions-oriented approach. Concerning voluntary repatriation, she said that to return home in safety and dignity was the deep-seated and firm desire of the large majority of uprooted people. The UNHCR was actively pursuing voluntary repatriation possibilities which had been opened up by the resolution of many regional and internal conflicts, such as in South Africa, Cambodia, Angola and El Salvador.

She said she remained convinced that the protection of internally displaced persons was a key factor in the prevention of refugee flows and in ensuring the durability of voluntary repatriation and the reintegration of the returnees. She called on the Commission to agree on an appropriate follow-up mechanism which would contribute to the protection of the internally displaced and for the establishment of a meaningful relationship between UNHCR and the Commission with regard to the problems of minorities. She welcomed the possibility of a new agenda item which would allow a more thorough and focused examination of violations of human rights and population displacements, and proposed that refugees and displaced persons be put on the agenda of the 1993 World Conference on Human Rights.

Human Rights Violations in Any Part of World

Before the Commission is a report on the human rights situation in Iraq. It concludes that violations of human rights in that country "are so grave and are of such a massive nature than since the Second World War few parallels can be found". The document reports that mass arbitrary and extra-legal executions have occurred, that torture is frequently practised against

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government critics, that tens of thousands of citizens have been victims of enforced disappearances, and that violent attacks on the Kurdish minority amounted to an attempt at genocide that had been partially successful.

The report makes the "exceptional" recommendation that a team of human rights monitors be dispatched to Iraq and remain there until conditions improve "drastically". The team should be able to travel freely about the country, make unannounced visits to places of detention, and attend trials and court proceedings. The document calls on the Commission to urge that a number of measures be taken by Iraq, including the ending of the blockade of the Kurdish-held area of the country and the complete submission of the Security Service to "transparent legal restraints". The report also covers in detail allegations of human rights abuses and Iraqi responses to inquiries.

Introducing the report, MAX VAN DER STOEL, Special Rapporteur on the situation of human rights in Iraq, said he realized that his criticism of the Iraqi regime was severe. He had been extremely careful in assembling evidence, rejecting some of it because he did not feel sufficiently confident that it was reliable. He had also been careful to use as his only yardstick the international human rights instruments to which Iraq had chosen to become a party.

He said it would be of major importance if a dialogue could be developed with the Government of Iraq about the implementation of the report's recommendations. As for the sending to Iraq a team of monitors, if the Iraqi Government could be persuaded to accept them on the terms described in the final chapter of the report, it might offer some protection to the thousands who were now in constant danger. It might also be a first indication that the Iraqi Government might be willing to reconsider its human rights policy. If, on the other hand, the Iraqi Government refused to accept the monitors, that would have to be considered a clear indication that the present policy of repression would continue unabated. Inevitably, the question would then arise whether the continuation of such massive and flagrant violations of the obligations which Iraq had voluntarily accepted by acceding to various human rights conventions did not constitute a clear refusal to implement Security Council resolution 688 of April 1991, which called upon Iraq to "immediately end this repression" as "a contribution to remove the threat to international peace and security in the region". But this was a question for the Security Council, and only it could decide.

Special Rapporteur FELIX ERMACORA (Austria) introduced his report on the situation of human rights in Afghanistan. The human rights situation in Afghanistan remained complex, he said. Although three years had elapsed since the complete withdrawal of Soviet troops from the country in February 1989, the fate of more than 47,000 persons who had been reported as missing had not been elucidated so far. Following appeals to the President he had been able to help save the lives of 114 persons on death row, and to make possible the release of one person from prison.

At present, he went on, there were still more than 5.5 million Afghan refugees who had not returned. Their return had been anticipated in the

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Geneva Agreements of 1988. The fate of refugees was a human rights problem which deserved the attention of the Commission. It may be true that more than 20,000 prisoners had been released since the beginning of the national reconciliation policy, but these releases had been offset by new arrests.

On the implementation of covenants relating to economic, social and cultural rights, he had the impression that these rights were enjoyed to a greater extent in areas controlled by the Government than in those controlled by opposition forces, where only United Nations agencies and non-governmental organization were able to provide the population with the necessary supplies. Given a political solution of the conflict could provide a possible basis for the exercise of the right of self-determination by the Afghan people.

In a statement read for him, REYNALDO GALINDO POHL, Special Representative on the human rights situation in Iran, said there was a discrepancy between Iranian laws and international standards on human rights. The authorities in that country had an obligation to bring their laws into line with international norms. He said he had been invited by Iran to make a third visit to the country, which occurred in December. Some cases were satisfactorily resolved, but there remained problems. He had not been allowed to interview prisoners in private. He said Iran had concluded an agreement to allow unlimited visits by the International Committee of the Red Cross (ICRC) to any and all prisoners, and he hoped Iran would honour the agreement. Lack of the freedom of expression was still a problem. The population remained fearful of public activities. Executions had considerably increased; there were more in 1991 than in the previous two years combined.

In summary, he said, the human rights situation in Iran was still unacceptable and basically unchanged from previous years. New international agreements and new laws had to be applied, not merely adopted.

Statements

MOHAMMED AL-DOURI (Iraq) said that since the report on his country had been received only in English, his detailed comments would come later. A quick glance at the report and its conclusion gave the delegate the impression that the Special Rapporteur had not wished to present facts but to condemn and to make recommendations in a way never before seen in the Commission.

The Special Rapporteur, he added, had visited Iraq and spent part of his time in Iraqi Kurdistan. This was not sufficient for him to have reached the conclusions contained in the report. Some of the information was partial, undocumented or incorrect and should have been forwarded to the Iraqi Government. The conclusions were based on ill-will and a lack of objectivity. He said the Special Rapporteur had had many meetings with Iraqi officials, but the lack of veracity in his report led the Iraqi delegate to conclude that those meetings had served as mere pretexts. The Special Rapporteur, unusually, had had freedom of movement in Iraq, yet he had glossed over this cooperation. The report's conclusions were completely in accord with the campaign waged by some major powers against Iraq. Iraq rejected the report and questioned its objectivity and veracity.

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GONCALO DE SANTA-CLARA GOMES (Portugal), speaking for the European Community and its member States, said the Twelve welcomed the Austrian initiative, aimed at providing the Commission with a mechanism to react effectively to urgent situations of gross violations of human rights. On the situation in their own societies, he referred to the work of the European Court of Human Rights whose rulings, he said, were binding.

The European Community and its member States, he said, deplored the atrocities and loss of human life in the Yugoslavian conflict, and they welcomed recent moves within the United Nations framework to bring about a peaceful solution. In Romania, guarantees concerning the democratization process were necessary, and the European Community welcomed positive developments in the field of human rights. In Albania, some progress in the field of human rights had been recorded, but many important steps remained to be taken. The division of Cyprus, was tragic and had a human rights aspect.

On Turkey, the European Community noted with concern the findings of the Committee against Torture and other reports on the situation of Turkish police stations. It welcomed the commitment of the newly-elected Turkish coalition Government to improve the protection of human rights and the situation of minorities in Turkey. Despite the important agreements reached in El Salvador, the European nations considered it premature to terminate the mandate of the Special Rapporteur. The Twelve were also concerned about the human rights situations in Guatemala, Cuba, Haiti, Peru, Liberia, Somalia, Sudan, Malawi, Chad, Mali, Zaire, Niger, Equatorial Guinea, Syria, Iraq, the Israeli-occupied territories, China, Burma, East Timor, Kashmir, Sri Lanka and Iran.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/327
24 February 1992

HUMAN RIGHTS COMMISSION IS TOLD VIOLATIONS CONTINUED IN EL SALVADOR EVEN DURING PEACE NEGOTIATIONS

Commission Continues Study of Rights Situation Worldwide

GENEVA, 20 February (UN Information Service) -- Grave human rights violations continued to occur in El Salvador during 1991 even as the Government and the Frente Farabundo Marti para la Liberacion Nacional (FMLN) engaged in peace negotiations, according to Special Representative José Antonio Pastor Ridruejo of the Commission on Human Rights.

Introducing his report on the human rights situation in that country, Mr. Pastor Ridruejo told the Commission this evening that summary executions continued to be perpetrated by members of the State apparatus and by the FMLN. He called on the two parties to convey to all social sectors the goals of peace and reconciliation.

Mr. Pastor Ridruejo's report is one in a series on different countries which the Commission is considering in connection with its study of the question of human rights violations in any part of the world. At this evening's meeting a number of speakers expressed concern on conditions relating to human rights in Zaire, Sudan, Iraq, Syria, the United States, Haiti, Sri Lanka, Iran and Tunisia, among other countries

There were statements from representatives of the United Arab Emirates, Albania, Nigeria, Lebanon, Angola, the United States and Haiti, and of the following non-governmental organizations: the Coordinating Board of Jewish Organization, Baha'i International Community, Survival International, International Working Group for Indigenous Affairs, Article 19, World Movement of Mothers, International Commission of Jurists, World Conference on Religion and Peace, International Association against Torture, International Peace Bureau, General Arab Women Federation, Amnesty International, International Federation of Human Rights, International Association of Democratic Lawyers, Commission for the Defence of Human Rights in Central America, Centre-Europe-Tiers Monde, Pax Christi International, International Association for Religious Freedom and the International Committee of the Red Cross (ICRC).

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For information media--not an official record

Representatives of Djibouti, China, Cuba, Sudan, Syria, Zaire, Turkey and Tunisia exercised their right of reply.

Human Rights Violations in Any Part of World

Before the Commission under this item is a report from Special Representative JOSE ANTONIO PASTOR RIDRUEJO on the human rights situation in El Salvador.

Introducing the report, Mr. Pastor Ridruejo expressed satisfaction over the recent efforts of the Government of El Salvador and the Frente Farabundo Marti para la Liberacion Nacional (FMLN) to reach peace. However, there was a grave and substantial gap between the ideals of peace and concord running through the 1991 negotiations between the two parties and the daily reality of human rights in El Salvador. During the last year, grave human rights violations had persisted, although at a lower level than in the previous year. Furthermore, politically-motivated summary executions continued to be perpetrated by members of the State apparatus. This type of crime had also been attributed to the so-called "death squads", which were thought to be tolerated by the armed forces. This appeared to be likely, although it was difficult to reach a definitive conclusion. The FMLN had also carried out summary executions of off-duty officers and alleged army collaborators in 1991. They had also kidnapped persons and forcefully recruited minors, among other violations.

Mr. Pastor Ridruejo said certain recent events were worrisome. In January of this year, crimes which recalled the past had been committed. He called on the Government and the FMLN to convey the goals of peace and reconciliation to all social sectors, particularly the most radicalized ones. He recommended that the two parties cooperate with United Nations Observer Mission in El Salvador (ONUSAL).

Statements in Debate

FRANCOIS ULLMAN, of the Coordinating Board of Jewish Organizations, said he was particularly concerned about the phenomenon of xenophobia and the attacks on migrant workers. Jewish minorities in Eastern Europe were discovering that ancient animosities could not be disposed of overnight. In Syria, Jews could not benefit from the most elementary rights; in Yemen, official reports told of the daily degradation suffered by the ancient Jewish community. In Europe, many extremist groups were using ethnic and religious origin to encourage racial hatred, anti-semitism and xenophobia.

T. AHDEROM, of the Baha'i International Community, spoke of its concern over the precarious situation of the Baha'is in Iran. They had been persecuted, harassed and deprived of their most basic human rights for 12 years. The persecution was grounded solely in opposition to the Baha'i faith. In a relentless effort to uproot and eradicate this religious community, the authorities in Iran persisted in violating their individual and collective rights. He appealed to the Government of Iran to uphold its commitment to the Universal Declaration of Human Rights, to remove all

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restrictions imposed on the Baha'is in Iran, to restore their rights, and to recognize legally, at long last, the right of this peaceful religious community to exist and function.

PETER DAVIES, of the Survival for Tribal Peoples, said the Nuba and Fur tribes of western Sudan were being made victims of Sudanese Government policies designed to destroy them as peoples. For generations there had been competition for land, wells and markets between these peoples and the Sudanese Arabs. The present terror was due to outside forces and was the culmination of a decade of growing violence. Survival International urged the Commission to bring pressure to bear on the Sudanese Government to end the repression and the violence by the military and militias against the Nuba and Fur peoples.

JOYOTI GRECH, of the International Work Group for Indigenous Affairs (IWGIA), said she was an indigenous Jumma from the Chittagong Hill Tracts in Bangladesh. The International Chittagong Hill Tracts Commission, which had visited Bangladesh, had published a report whose findings largely confirmed earlier reports of human rights violations in the Chittagong Hill Tracts. The International Commission had recommended the establishment of a Special Rapporteur and the IWGIA urged that this recommendations of the International Commission be acted upon, and that parliamentary democracy in Bangladesh be extended to include the Chittagong Hill Tracts.

SANDRA COLIVER, observer for Article 19, International Centre against Censorship, said the number of prisoners currently being held in Iranian prisons for the non-violent exercise of their right to freedom of expression was believed to be in the region of several thousand. Some 750 people were believed to have been executed and hundreds more were sentenced to prison terms following unfair trials. The Government of Iran had not allowed the International Committee of the Red Cross (ICRC) access to prisoners.

In Sri Lanka, one of the world's deadliest civil wars continued, and was marked by mass and flagrant human rights abuses on all sides. Her organization renewed its call for the Commission to appoint a Special Rapporteur to monitor the range of human rights concerns in Sri Lanka, who should visit Sri Lanka as a matter of high priority.

MARIE-LAURE BECK/JOSIPA MILAS-MATUTINOVIC, of the World Movement of Mothers, said the Movement wanted to be the voice of mothers and children victimized by conflicts. Many associations had told the Movement of their suffering. They were from -- among other places -- Kosovo, Croatia, Western Sahara, East Timor, Afghanistan, Kurdistan, Kuwait, Iraq, Ukraine, Armenia and Cuba. There had reportedly been numerous human rights violations committed in Croatia by the Serbian-controlled army of "ex-Yugoslavia". There were 750,000 displaced persons in Croatia, as well as 8,500 captured and missing persons.

ADAMA DIENG, of the International Commission of Jurists, said political considerations seemed to play as great a role in the Commission's decision-making as the human suffering which action by the international community might help to alleviate. Last year, there had been a compromise on Iran by which the mandate of the Special Representative would be terminated

"if there was further progress" on the human rights situation. But had Iran's human rights performance progressed, he asked, or merely its geopolitical standing? And did placing Cuba, but not Guatemala, under this agenda item reflect on the dignity with which citizens of those countries lived or on the relative positions of their government in the "new world order"? Why were African countries, other than South Africa, exempt from public criticism? What was the difference -- other than Kuwaiti oil -- between Indonesia's brutal occupation of East Timor and Iraq's destruction of Kuwait?

He said the Commission should not be imfluenced by the particular political or economic systems of sovereign States. Colombia, Guatemala, Peru, the Philippines and Sri Lanka sadly illustrated that multi-party systems were no guarantee that fundamental human rights would be respected.

In Myanmar, he continued, the ruling State Law and Order Restoration Council had refused to transfer power to the forces which won an overwhelming victory in the 1990 elections. The international community must impose strict economic sanctions until the Council transferred power in accordance with the election results. The Commission should also place the human rights situation in Tibet under its scrutiny.

ABDEL R. ABDULLAH, observer for the United Arab Emirates, said the Iraqi invasion of Kuwait had violated all the underlying principles governing international relations, depriving a whole people of their freedom. The right of people to live in peace was widely recognized. The report of the Special Rapporteur had reflected the extent of the violations carried out by the occupying forces. When the Iraqi forces had withdrawn they took large numbers of Kuwaiti personnel; some of those prisoners of war had been released, but many others had not. This was a violation by Iraq of the terms of the cease-fire agreement.

KADRI CENKO, observer for Albania, said that Kosovo, where many of Albanians lived, was "under Serbian police occupation". Yugoslavia, he said, was a prison for Albanians. The Commission should express concern over the situation and not tolerate this apartheid in the heart of Europe at the end of the twentieth century. Yugoslavia was far from adhering to the instruments to which it said it respected.

Since 1981, according to official documents, a million Albanians had gone through police hands. There could not be true promotion of human rights in a country where discrimination, oppression, forced assimilation and the denial of the rights of the Albanians had become daily events.

J.S. ATTAH (Nigeria) said he deeply regretted the lack of progress on the situation in Cyprus. United Nations resolutions on Cyprus had not been complied with. The main obstacle to the full observance and enjoyment of human rights there emanated from the occupation of parts of Cyprus by foreign troops.

His delegation commended the Secretary-General for his efforts towards a negotiated and peaceful solution to the Cyprus problem, and it commended the

Commission for its work towards the restoration and enjoyment of human rights in Cyprus.

AMINE EL KHAZEN, observer for Lebanon, said that that morning, Israeli air and land based forces had bombarded the south of his country once again and had clashed with United Nations forces. Israel, he said, persisted in arrogantly "chipping away" at the South of Lebanon. The fact that Israel remained sceptical at the competence of the Lebanese army continued to be a pretext for its ongoing aggression. Since 1978, Israel had carried out air, sea, and land bombardments in southern Lebanon; it had caused tens of thousands of Lebanese to leave their homes by destroying their property and ruining their harvests.

Lebanon wished to extend sovereignty over all its territory, but Israel stood in the way of that wish. He called on Israel to respect the resolutions of the United Nations and to withdraw unconditionally from southern Lebanon.

APOLINARIO CORREIA (Angola) said his country had been the frontline State which had most deeply suffered the consequences of apartheid. As a result of the New York Accords of 1988 among Angola, South Africa and Cuba, the external elements of the Angolan conflict had been eliminated, and the peace agreement signed in May 1991 had put an end to 15 years of fratricidal war. It had also allowed the Government to make profound political and economic changes with a view to building a state of law, allowing all citizens to enjoy their rights and freedom.

Angola was deeply attached to the principles of the Universal Declaration of Human Rights, but could not but express its concern regarding the tendency to use human rights for political ends, which could lead to interference in the internal affairs of legitimate Governments. He asked how one could speak of full enjoyment of human rights for all when one part of humanity lived in absolute poverty.

On East Timor, he said his Government expressed its great concern over the intolerable conduct of a country, Indonesia, which in the past had itself suffered the horrors of foreign domination.

RICHARD SCHIFTER (United States) said that last November, one of the countries which still espoused Marxism-Leninism had issued a comprehensive document on the subject of human rights. That document spoke affirmatively of the Universal Declaration, but set forth a number of propositions and made certain allegations which needed to be discussed and in some instances seriously challenged.

He said the use of violent force to disperse a peaceful assembly could not be justitied on the basis of history and national conditions, and there were real dangers when freedom of expression could be restricted by law. These restrictions were brought into play by making it a crime to express "so-called counter-revolutionary ideas", thus allowing a Government to label a political dissident a criminal.

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CHARLES GRAVES, of the World Conference on Religion and Peace, said cultural and religious oppression of the Arab Shi'a people in Iraq, and especially the plight of those who had taken refuge in the marshlands, should be one of the major concerns of the Commission.

To come to the assistance of these suffering people, he added, the organization asked the Commission to adopt a strong resolution requesting the Iraqi army to stop the bombardment of the marshlands region and withdraw its forces, from all roads leading into the marshlands. United Nations forces, he said, should enter the area in order to supervise the provision of medical supplies, and populations should be allowed to return to their cities and native places in the area.

ROGER WAREHAM, of the International Association against Torture, said that throughout the "developing" third world, and for the 40 million Africans, 22 million Latinos and 1.5 million Indigenous Peoples resident in the United States, the social, political and economic indicators provided a consistent pattern of gross violation of human rights.

In the United States, he asserted, the culture of Black people had been "consciously perverted into one of narcotics, murder and greed." His organization had come to the Commission trying to bring attention to the myth of racial democracy supposedly present within the geographic designation of the United States, but to this date, there had not been a single inquiry as to whether or not the statistics his organization presented or the conditions it described were true.

E. KHALIFA MIRWAN, of the International Peace Bureau, said that in the bombing attack by the United States against Libya on 15 April 1986, four hundred Libyans had been killed and injured. The United States alone now threatened the fate of the world. The advances of science could be used for improving the condition of mankind, but with the United States, that was not the case. The United States was pressuring Libya once again. His organization sought United Nations support to halt United States terrorism against Libya.

LIWA AHMED, of the General Arab Women Federation, said the Iraqi people were suffering from a major tragedy caused by the economic sanctions imposed on it by the Security Council under pressure from the United States and its allies. The justifications for those sanctions were no longer valid; continuation of the sanctions was a serious human rights violation that could not be ignored. She said the usurpation and occupation of land of the Palestinian people was another serious human rights violation. If the Commission called for the lifting of sanctions on Iraq and for the halting of the daily violation of the Palestinian people's rights it would be a significant landmark in its policy of defending human rights.

IAN MARTIN, of Amnesty International, said the organization had long condemned the torture and killing of prisoners by armed opposition groups. As part of the continuing development of its work, it would now oppose a wider range of abuses by such groups. Sendero Luminoso (in Peru), the Liberation

Tigers of Tamil Eelam and armed Sikh groups in the Punjab were among those which had perpetrated arbitrary killings on a horrific scale. Hostage-taking had been associated in the public mind with the Middle East, but armed opposition groups in Colombia, the Philippines and Kashmir were among those which had also resorted to that practice. The Sudanese People's Liberation Army had carried out numerous summary executions in southern Sudan.

He said it was often hard for Governments to accept that non-governmental organizations would not condemn their opponents as "terrorists", but the use of the neutral term "armed opposition group" was intended to confer no legitimacy. While making absolutely clear its condemnation of opposition abuses, Amnesty International believed that the essential role of non-governmental organizations and the proper priority for Amnesty International's work remained to ensure that Governments and their agents were fully accountable for their actions and could not violate the human rights of their citizens with impunity.

JEAN-PAUL JEAN, of International Federation of Human Rights, said the federation was dismayed by the fact that certain cases of massive human rights violations were kept away from the public debate of the Commission. Such was the case with relation to Chad, where he had just completed a mission. Since December 1990, when Colonel Idriss Deby had committed himself to restoring democracy and to respect for human rights, there had been summary executions, enforced disappearances, arbitrary arrests and detentions and torture had continued in a climate of chaos and impunity.

He said the federation was also concerned about the lack of public debate regarding the human rights situation in Zaire. Meanwhile, in Peru, the human rights situation remained alarming. The federation was aware that the Government had to fight terrorism, and it did not ignore the catastrophic economic and social situation of the country, but nothing could justify the systematic recourse to violence.

He said the federation urged the Commission to react vigorously to grave human rights violations in Iran, Tibet and East Timor.

ROBERT EMERY, of the International Association of Democratic Lawyers, said negotiations between North and South Korea had obscured human rights abuses in South Korea. The many political detainees were often mistreated and many had been held for years. His organization was also concerned about the situation in Western Sahara. Morocco had imposed a veritable state of siege on the population there, despite United Nations resolutions. He asked whether the Commission could not do something to ensure the right to self-determination in the territory.

WILMA NUNEZ, of the Commission for the Defense of Human Rights in Central America, said Guatemala and El Salvador required the broad attention of the Commission, as they accounted for the most serious human rights cases in Central America. In El Salvador, as reported by the Special Representative, intimidation of human rights activists continued. It was the responsibility of the United Nations, and hence of the Commission, to continue backing the

peace efforts of the Salvadorian people by extending the mandate of the Special Representative and by reinforcing the human rights dimension of the United Nations group now in that coumtry (the United Nations Observer Mission in El Salvador (ONUSAL).

On Guatemala, she said that the Government, despite its expressed will, was far from ensuring respect for human rights. Only this past week, she continued, a university professor had been murdered and 10 persons had been killed in two massacres. The Commission should closely monitor the human rights situation in Guatemala through the appointment of a special rapporteur.

MALIK OZDEN, observer for Centre-Europe-Tiers Monde (CETIM), said that 1,500 people had been killed in Haiti since the coup d'etat last year. The organization requested a special rapporteur for Haiti. It also sought United Nations pressure on Burundi to conduct negotiations between the Government and international representatives to discuss the human rights situation there. In Morocco, he continued, conditions were very serious; human rights officials must be able to visit prisoners there -- requests for that had been denied. There should be a special United Nations mission to Morocco to talk to released prisoners and to look into disappearances. Many of the "disappeared" had come from Western Sahara; the people of Western Sahara should be allowed to determine their own destiny.

JACQUES VITTORI, observer for Pax Christi International, said the military intervention in Iraq had served the economic and strategic interests of one great Power and granted some dictatorships absolution for human rights violations as payment for their compliance. He said the military occupations of Kurdistan, East Timor, Tibet and Palestine, though not identical to that of Kuwait, nevertheless had some aspects in common with the actions of Iraq, in particular the suppression of the populations and the non-application of the Fourth Geneva Convention. He said the cruelty affecting the victims of the conflict in Sri Lanka came from the Government and from paramilitary groups. Turning to Europe, he said Pax Christi was concerned about the often murderous struggles in places like Nagorno-Karabagh and Yugoslavia. In Northern Ireland, human rights were violated not only by paramilitary groups, but also by the British administration. He also expressed concern about the situation in Brazil and Haiti, and he welcomed the peace agreement in El Salvador.

G. ROSSI, observer for the International Association for Religious Freedom, said the recent changes in Eastern Europe had shown the world that the former totalitarian regimes there had violated rights, despite their claims to the contrary. The Association applauded the progress in Central and Eastern Europe, but was very concerned about events elsewhere. Sudan last year had adopted Islamic law, which included the death penalty for adultery. It was a fact that some norms of Islamic law violated the international Covenants, and measures should be taken to reverse the application of these laws. He said this was not an attack on Islam, a great and peaceful religion, and the association agreed with King Hussein of Jordan who had said that religion must not become a force in politics. In fact, Islam was a progressive religion, and many Muslims were opposed to extremism.

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JOSEPH ANTONIO, observer for Haiti, said that after a long history of human rights violations perpetrated by the authorities, the Haitain people -- through the first truly democratic elections held in the country, with United Nations help -- had manifested their political will, on 11 December 1991, by electing with 70 per cent of the vote a president mandated with organizing a democratic society. But, on 30 September last year, a coup d'état had forced President Jean-Bertrand Aristide to temporarily leave the country. Between 1,500 to 2,000 people had died since the coup, and 15,000 to 20,000 Haitians had attempted to flee the country.

Those refugees, he continued, had found closed doors in the United States and in Europe. The solution of the refugee problem lay in a political settlement aimed at restoring the constitutional order. The emissaries of the "putschists" were courting different diplomatic missions, with a view to introducing a draft resolution condemning the embargo against the de facto Government. If the embargo had been respected, the putschists would have left long ago.

M. VEVTHEY, observer for International Committee of the Red Cross (ICRC), spoke of the problems of displaced persons -- both within their own countries and across international borders. The causes varied, he said, but quite often the reason was armed conflict. If they stayed home, they were exposed to violence and had to live under often unspeakable conditions. By moving away, often under very stressful circumstances, they were subject to all manner of dangers. But displaced persons were entitled to human rights, and if Governments were overwhelmed by the tasks of coping with refugees, international humanitarian law required them to accept international assistance. Such assistance was neutral and purely humanitarian.

He said more than half the ICRC's budget in 1991 was for protection of civilians. The organization sought to persuade Governments to abide by international law -- to respect civilian rights and to treat prisoners appropriately. Providing food and health care, camps, and peace-keeping forces, the ICRC helped to keep populations in place, reducing the numbers of refugees.

During the Iran-Iraq war, the ICRC's permanent presence in Baghdad helped considerably in meeting humanitarian needs, and the ICRC was regarded by the Iranian Government as neutral, which made a great difference.

Rights of Reply

ABDOURAHMAN IBRAHIM, observer for Djibouti, said that in his statement the representative of the Arab Human Rights Organization had made unproven allegations about human rights violations in his country. He had probably been referring to 30 common law prisoners arrested in connection with an attempted coup d'état. They had an independent, transparent trial. Djibouti had embarked on the paths of democracy and political pluralism. The non-governmental organization had neglected to point out that Djibouti was

being attacked by Afars from neighbouring countries who were occupying part of the country. Their aim was to create an Afar kingdom, and it would be difficult to hold a referendum at this time.

ZHAN DAODE (China) said that the United States and the European Community had viciously slandered and attacked the Chinese Government and had offered support for a handful of criminals. This was interference in the affairs of another State. He said the United States set itself up as judge of human rights, and went on to cite examples of "alleged police brutality" in United States cities. He said the United States had an alarming crime rate and the highest number of people in prison in the world. There was racial injustice and discrimination. The United States delegate should consider these examples before making allegations about other countries.

RAUL ROA KOURI (Cuba) said the representative of the United States, in further statements regarding Cuba, had preferred to concentrate on the fact that Cuba had not cooperated with the Special Representative, despite the fact that the Cuban delegation had earlier said it considered his mandate spurious and lacking any moral or political value. Cuba had cooperated and would continue to cooperate with the Secretary-General and with the Special Rapporteurs, and with other procedures under terms usually applying to all countries. Tens of thousands of persons went to bed in the United States without having eaten and without shelter. They also could not exercise the right to work.

AHMED GUBARTALLA (Sudan) responding to allegations by the United States, said he failed to understand what the United States wanted to do. It had set itself up as judge and jury, deciding on everything that was not to its liking. The war in the south of Sudan had been inherited from super-Power activity prior to the present Government. This Government had adopted a federal system and there was full respect for all religions in the Sudan. There were no summary executions, indiscriminate detentions or torture in the Sudan. Donor countries had failed to help out in dealing with 200,000 evacuees, and Sudan had decided to move some of them to other locations.

CLOVIS KHOURY (Syria) referred to the statement by the representative of Portugal, who had spoken on behalf of the European Community. He said the situation of human rights in Syria was sound. Its Constitution was among the best in the world. Syria always complied with international agreements which, when ratified, became part of internal law. The representative of Portugal seemed not to be aware of the information available on the Jewish minority in Syria. Syria had set out its position on this issue in a document to the Commission. He said the spread of neo-Nazi movements and the degrading treatment meted out to migrants in some States of the European Community was a matter of grave concern.

KIKANKE MUTUALE, observer for Zaire, said he had carefully followed the statements of some who had referred to the situation in his country. He asked the United States and the European Community not to "trivialize" all that Zaire had done in the field of human rights. Zaire's efforts in this field were considerable in the face of difficulties. There had been an "explosion"

with regard to rights and freedoms in Zaire, and he wished to assure the Commission that the National Sovereign Conference would soon resume its work.

HALUK ILICAK, observer for Turkey, said he wished to thank the Portuguese delegate for indicating the problem of increased xenophobia and racism in Europe. Turkey would be keeping close watch on the situation there to see how the European Community coped with its own human rights problems.

Mr. GUBARTALLA, observer for Sudan, said the allegations made by Survival International and Amnesty International regarding the Nuba and the Fur tribes were unfounded. The Sudanese Government had tried to bring development and to provide security against armed bandits to the areas where those tribes lived.

The representative of Tunisia said that the representative of Amnesty International had based its references to Tunisia on groundless allegations. The head of State had invited a representative of the Tunisian human rights office to form a commission of inquiry to look into allegations of torture. Amnesty's "partial" attitude was bound to affect its credibility.

MOHAMMED HUSSEIN (Iraq) said the representative of Portugal, on behalf of the European Community, had said Iraq was responsible for the embargo imposed on it after the Gulf war. But the whole of the Iraqi people was being denied basic human rights for political reasons; they deserved international human rights protection because all people had a right to food and medicine. The United Nations Security Council must lift the illegal blockade. The Western countries must bear the blame for this heinous crime.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/328
24 February 1992

HUMAN RIGHTS COMMISSION ACTS ON TEXTS ON SOUTH AFRICA, CAMBODIA, AFGHANISTAN, MERCENARIES, ECONOMIC, SOCIAL, CULTURAL RIGHTS

GENEVA, 21 February (UN Information Service) -- The Commission on Human Rights this morning recommended that the Economic and Social Council call upon all Governments to maintain sanctions against South Africa. It also acted on questions of Cambodia and Afghanistan, the use of mercenaries and human rights and extreme poverty.

Approval was also given to drafts dealing with human rights and economic adjustment policies, trade union rights and the Second Decade for Action to Combat Racism and Racial Discrimination.

Action on Drafts

Under a decision approved by consensus on the situation in Cambodia (document E/CN.4/1992/L.6), the Commission welcomed the signature of the Paris Agreements on a comprehensive settlement of the Cambodia conflict and commended all parties and countries which had contributed to the conclusion of the Agreements. It also welcomed the fundamental importance given to the observance of human rights in the provisions of the comprehensive settlement. It encouraged the Centre for Human Rights to develop its programme of human rights information throughout Cambodia, in coordination with the United Nations Transition Assistance Group (UNTAC) in Cambodia.

Also approved by consensus was a draft resolution on the situation in Afghanistan (E/CN.4/1992/L.7) calling upon all parties concerned to promote and actively search for ways towards a political solution acceptable to the Afghan people and to work for the cessation of hostilities which would enable the Afghan refugees to return voluntarily to their homeland in safety and honour. The resolution emphasized the need for an early start of the intra-Afghan dialogue for the establishment of a broad-based Government to ensure the broadest support of all segments of the Afghan people.

Under a resolution on the use of mercenaries (document E/CN.4/1992/L.8), approved without a vote, the Commission reaffirmed that the recruitment, use, financing and training of mercenaries should be considered as offences of

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For information media--not an official record

grave concern to all States and called upon all States to consider acceding to or ratifying the International Convention against Recruitment, Use, Financing and Training of Mercenaries. It decided to extend the mandate of the Special Rapporteur on the subject for three years.

The United States dissociated itself from the decision to extend the mandate of the Special Rapporteur on mercenaries. The United States representative said the Special Rapporteur had concluded that the armed conflicts in southern Africa and Central America in which mercenary activities had been reported had been moving towards political negotiations and peace. In light of those circumstances, continuation of that mandate was not a wise use of scarce resources.

Another draft approved this morning dealt with the question of adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of South Africa (draft resolution I of the Subcommission on Prevention of Discrimination and Protection of Minorities). It would have the Economic and Social Council invite the Special Rapporteur on the subject to continue to update the list of banks, transnational corporations and other organizations assisting the racist regime of South Africa. The Council would call upon all Governments and organizations to maintain sanctions against the regime of South Africa pending the total dismantlement of the apartheid system.

That draft resolution was approved by a roll-call vote of 33 in favour to 14 against, with 5 abstentions, as follows:

In favour: Angola, Bangladesh, Barbados, Brazil, Burundi, Chile, China, Colombia, Cuba, Cyprus, Gabon, Ghana, India, Indonesia, Iran, Iraq, Kenya, Lesotho, Libya, Mauritania, Mexico, Nigeria, Pakistan, Peru, Philippines, Senegal, Somalia, Sri Lanka, Syria, Tunisia, Venezuela, Yugoslavia and Zambia.

Against: Australia, Austria, Bulgaria, Canada, Czechoslovakia, France, Germany, Hungary, Italy, Japan, Netherlands, Portugal, United Kingdom and United States.

Abstentions: Argentina, Costa Rica, Madagascar, Russian Federation and Uruguay.

Speaking in explanation of vote, DENNISE MADHIEU (United States) said that the Government of South Africa, the African National Congress of South Africa (ANC) and other parties had shown a determination to resolve critical problems and to create a democratic, non-racial, constitutionally based South Africa in the near future. Unfortunately, the resolution contained unbalanced and inflammatory language which accomplished virtually nothing to encourage progress towards that goal. The Commission should seek to reflect and encourage the process of negotiations by adopting constructive and balanced resolutions.

OLEG MALGINOV (Russian Federation) said he had abstained because developments in South Africa required that the Commission should take a new

approach to difficulties there. The language of the resolution seemed extreme and even the title seemed to go too far. If the most negative paragraphs of the resolution had been brought up for a separate vote, he would have voted "no" on them.

On implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/CN.4/1992/L.22), the Commission requested the Secretary-General to finalize the text of the model legislation and a handbook of recourse procedures for victims of racial discrimination. It recommended that the General Assembly take appropriate steps to launch a third decade to combat racism and racial discrimination, to begin in 1993. A resolution with those provisions was approved without a vote.

On the effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development (E/CN.4/1992/L.13), the Commission approved a draft inviting the Subcommission to submit the final report of its Special Rapporteur Danilo Türk to its forty-ninth session. It invited Governments and interested intergovernmental and non-governmental organizations to provide the Special Rapporteur with their comments and information about their experience concerning this matter.

The resolution was approved by a roll-call vote of 43 in favour to 2 against, with 7 abstentions, as follows:

In favour: Angola, Argentina, Australia, Austria, Bangladesh, Barbados, Brazil, Burundi, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, France, Gabon, Ghana, India, Indonesia, Iran, Iraq, Italy, Kenya, Lesotho, Libya, Madagascar, Mauritania, Mexico, Nigeria, Pakistan, Peru, Philippines, Portugal, Russian Federation, Senegal, Somalia, Sri Lanka, Syria, Tunisia, Uruguay, Venezuela, Yugoslavia, and Zambia.

Against: Japan and United States.

Abstentions: Bulgaria, Canada, Czechoslovakia, Germany, Hungary, Netherlands and United Kingdom.

On the question of the realization in all countries of economic, social and cultural rights and the special problems of developing countries (E/CN.4/1992/L.14), the Commission invited States to include measures to ensure the promotion and protection of human rights in national development policies and programmes. It also urged the Economic and Social to bear in mind its central responsibility for effective implementation of the International Covenant on Economic, Social and Cultural Rights. The resolution was approved without a vote.

Also approved without a vote was a draft resolution on human rights and extreme poverty (E/CN.4/1992/L.17) by which the Commission drew the attention of the General Assembly, specialized agencies and intergovernmental bodies to the contradiction existing between the existence of situations of extreme poverty and exclusion from society and the duty to guarantee full enjoyment of

human rights. It requested the Subcommission on Prevention of Discrimination and Protection of Minorities to undertake a study of the question.

By a resolution on the question of trade union rights (E/CN.4/1992/L.20), the Commission deeply regretted that violations of those rights continued in many countries and called on States to involve trade union organizations in effective processes of popular participation and development. The resolution was approved without a vote.

Also approved without a vote was decision 6 on the realization of economic, social and cultural rights as submitted by the Subcommission on Prevention of Discrimination and Protection of Minorities. The Commission thereby endorsed the request of the Subcommission to Danilo Türk, Special Rapporteur on the subject, to prepare a final report, and it requested the Secretary-General to provide him with all the assistance he might require.

Speaking on the resolution referring to the right to development, JOHN COOK (United States) said that the realization of civil and political rights, the right to life and most other human rights was fundamental to the promotion of economic well-being. Some countries might say they could not afford those rights. The resolution could be taken as an excuse to deny basic human rights. The United States did not believe the right of development was a right, but rather a goal.

KATSUMI SEZAKI (Japan) said he understood the seriousness of the debt issue for developing countries. Japan had been extending assistance to heavily indebted nations. However, the Commission was not the appropriate body to deal with the issue of debt and structural adjustment policies.

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United Nations

Press Release

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HUMAN RIGHTS COMMISSION APPROVES DRAFT DECLARATION ON RIGHTS OF MINORITIES, RESOLUTIONS ON RIGHT TO DEVELOPMENT AND OTHER ISSUES

Continues Debate on Violations in Any Part of World

GENEVA, 21 February (UN Information Service) -- The Commission on Human Rights this afternoon approved the text of a draft Declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities. The Commission recommended that the draft Declaration be approved by the Economic and Social Council, which would then recommend its adoption by the General Assembly.

The Commission also adopted resolutions on the right to development; the importance of increasing the number of States parties to international human rights Covenants; more effective functioning of United Nations human rights bodies; and implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief.

Following action on those resolutions, the Commission resumed its discussion of the question of human rights violations anywhere in the world. Contributing to the debate were representatives of Syria, Libya, Egypt, Iran, Iraq, Pakistan and China, and of the following non-governmental organizations: Grand Council of the Crees, Habitat International Coalition and the Commission of the Churches for International Affairs. China, Cuba, Rwanda, Morocco and the Unite States exercised their right of reply.

Action on Drafts

Under a draft resolution on the right to development, the Commission called on the Preparatory Committee for the 1993 World Conference on Human Rights to take fully into account the Declaration on the Right to Development, and invited the Secretary-General to put forward concrete proposals on the effective implementation and promotion of the Declaration to the Commission at its next session. The draft adopted by a roll-call vote of 48 in favour to 1 against, with 3 abstentions, as follows:

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For information media--not an official record

In favour: Angola, Argentina, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Burundi, Canada, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, France, Gabon, Ghana, Hungary, India, Indonesia, Iran, Iraq, Italy, Kenya, Lesotho, Libya, Madagascar, Mauritania, Mexico, Netherlands, Nigeria, Pakistan, Peru, Philippines, Portugal, Russian Federation, Senegal, Somalia, Sri Lanka, Syria, Tunisia, Uruguay, Venezuela, Yugoslavia and Zambia.

Against: United States.

Abstentions: Germany, Japan and United Kingdom.

By a draft resolution on the status of the International Covenants on Human Rights, the Commission invited the Secretary-General to intensify systematic efforts to encourage States to become parties to the Covenants, and stressed to States parties the importance of avoiding the erosion of human rights by derogation. It also invited the Economic and Social Council to give favourable consideration to the request by the Committee on Economic, Social and Cultural Rights to hold an additional session during the first half of 1993, or requested the Secretary-General to consider ways and means of assisting States parties to the Covenants in the preparation of their reports. The draft was adopted without a vote.

Under a draft resolution on the effective functioning of bodies established pursuant to United Nations human rights instruments, the Commission stressed the continuing need for consultation and exchange of information between all treaty bodies, including the Committee on the Elimination of Discrimination against Women. It requested the Secretary-General to give consideration to the proposal endorsed by chairmen of the human rights treaty bodies to establish a committee resource room, and asked the General Assembly to mandate the Secretary-General to take appropriate steps in order to finance the meetings of persons chairing those bodies from the available resources of the regular budget of the United Nations. The draft was adopted without a vote.

On rights of persons belonging to national, ethnic, religious and linguistic minorities, the Commission approved the text of the draft declaration on the subject elaborated by its open-ended Working Group.

FERHAN ERKMENOGLU, observer for Turkey, said that the draft Declaration lacked a sufficiently precise definition of the term "minority". Furthermore, while it guaranteed territorial integrity to minorities, it did not sufficiently protect political unity.

WERNER DAUM (Germany) said the term "minority" should cover only distinct and well-defined groups long-established in a country. The draft Declaration should not be interpreted in a manner likely to create new minorities or to hinder the integration of migrants. Minority rights belonged to nationals of the States where they lived.

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Under a resolution on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, the Commission called upon States to take all appropriate measures to combat intolerance and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief. It called on them also to examine the supervision and training of members of law enforcement bodies, civil servants, educators and other public officials, in order to ensure that they respect different religions and beliefs and do not discriminate against persons professing other religion or beliefs. It decided to extend for a further three years the mandate of the Special Rapporteur appointed to examine incidents and governmental action in all parts of the world which are inconsistent with the provisions of the Declaration, and to recommend remedial measures.

RUTH LIMJUCO (Philippines) said she supported the work of the Special Rapporteur, but the point had been reached where that official spent all his time monitoring alleged violations. Her delegation had serious reservations about continuing the Special Rapporteur's work for three more years. The United Nations had financial problems and the Subcommission could adequately monitor alleged violations.

Statements in Debate

KAWAIPUNA PREJEAN, observer for the Grand Council of the Crees, said that in spite of the pledge of Guatemalan President Jorge Serrano to improve the human rights situation of Guatemala, the country's human rights record last year clearly showed that the situation had not been redressed. In 1992 there had been a total of 1,999 known cases of gross human rights violations in Guatemala. Those included extra-judiciary individual and collective executions, "disappearances", arbitrary detentions, assassination attempts and other related violations. He said indigenous peoples had been known to be the main target of the repression in Guatemala, where policies of genocide and ethnocide had been the rule.

AHMAD FATHI MASRI (Syria) said Israel had carried out barbaric operations in Lebanon over the last few days. It was hoped that the Commission would condemn the Israeli invasion and the Tel Aviv regime, which had once again shown to the world that it was an illegal regime. The Arab League Council had held an emergency meeting last night. The Secretary-General of the League of Arab States had issued a statement that should be considered by the Commission under the item currently being discussed. He said Israel was trying to undermine international efforts to bring peace to the Middle East. It was trying to push Arab countries to reject negotiations. It was hoped that the Commission would adopt a fair stand vis-à-vis this aggression as a gross violation of human rights. It should call on Israel to withdraw unconditionally from the south of Lebanon.

MOUNIR ZAHRAN (Egypt) expressed his support for the statement by the delegation of Syria. Such Israeli aggression could not help the current peace process. It violated the sovereignty and territorial integrity of a sister Arab nation, and came at a time when Arab countries had taken long strides to

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bring about national reconciliation. This aggression had to be denounced and condemned as a violation of international law and of human rights.

The representative for Iran said he supported the statement of the Syrian delegation.

MOHAMMED ANSARI (Pakistan) said he also supported the statement by the Syrian delegation. Pakistan strongly condemned the latest aggression against Lebanon by Israel.

ZHANG YISHAN (China) said he was deeply concerned about Israel's aggression in southern Lebanon. This constituted a serious violation of the human rights of the Lebanese people and it also disrupted the peace process currently under way. China firmly supported the Lebanese and Arab nation's struggle against Israeli aggression.

MOHAMMED AL-DOURI (Iraq) said the Arab world had grown accustomed to this sort of behaviour by Israel. Israel could commit those acts because it was supported by the United States. His delegation feared further attacks against Lebanon.

MILOON KOTHARI, observer for the Habitat International Coalition, said the Subcommission had declared the practice of forced evictions a gross violation of human rights, in particular the right to adequate housing. That Human Rights declaration was a groundbreaking step, since numerous Governments throughout the world continued to forcibly evict and uproot persons, families and entire communities from their homes.

He said such evictions almost invariably preceded major international events, meetings and celebrations. For instance, in preparation for the 1992 commemoration of the landing by Columbus in the Caribbean some 500 years ago, over 120,000 people had been evicted from their homes and communities in the Dominican Republic. In connection with the 1988 Summer Olympics in Seoul, over one million people confronted demolition squads. Violent evictions continued to affect rural areas of Brazil. In 1990, the homes of 3,000 Tibetans had been demolished by Chinese authorities in Lhasa. Since 1983 at least 50,000 citizens of Calcutta had been rendered homeless through various evictions. Between January and June 1988, about 60,000 dwellers had been forcibly evicted from their homes in Manila. He said the Coalition had received reliable and detailed information concerning planned evictions in many of the countries; the Commission should appoint a special rapporteur for forced evictions.

CHARLES HARPER, observer for the Commission of the Churches on International Affairs of the World Council of Churches, said freely elected civilian Governments were a guarantee of increased protection for human rights. This was especially true where a strong military/police sector was not restrained, or enjoyed de facto impunity. He spoke of government actions in Burma, including the house arrest of Nobel Peace Prize winner Aung San Sun Kyi, which he said demonstrated a total unwillingness to implement basic civil and political rights. The World Council of Churches strongly urged the

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Commission to renew the mandate of the independent expert to investigate human rights conditions in Myanmar/Burma.

He referred to the situation in Sri Lanka and in East Timor, and said there was an increasing number of countries in Africa which warranted the particular attention of the Commission; from Togo, Sudan, Zaire, Congo, Cameroon, Kenya and Madagascar, there had come reports of arbitrary arrests, detention, torture and summary executions.

Rights of Reply

ZHANG YISHAN (China) spoke of "someone who had come to Geneva" to make an attack on the White Paper published by Chinese authorities on human rights. That document expressed opinions different from those of the person concerned, who was a fervent advocate of freedom of speech yet could not accept views which did not accord with his own. Every year, the country which this man represented published a Blue Book, which was full of attacks and criticism but was void of a description of the human rights situation of the country which published it; the occupation of Grenada and the invasion of Panama were only two small examples. The aim of the Chinese White Paper had been to explain what had been done in terms of the protection of human rights and to aim to do better in the future.

RAUL ROA KOURI (Cuba), referring to an earlier statement by the delegate of the United States, said Cuba was the inheritor of the patriotism of Simon Bolivar and José Marti and of the scientific socialism of Marx, Engels and Lenin. To say that certain countries had imported Marxist Leninism was as absurd as saying that the teachings of Socrates, Plato and Tom Paine were foreign to most countries. In quoting the Universal Declaration of Human Rights on freedom of expression, the United States had omitted to mention how the exploitation of resources affected the exercise of that freedom.

BONAVENTURE MBARUSHIMANA, observer for Rwanda, said Amnesty International had claimed mass arrests and extra judicial rulings had taken place in his country. He stressed that those who had been arrested were from various Rwandan ethnic groups which went to make up the country, and not one particular ethnic group. He said Amnesty should consult with people who had been victims of those responsible for aggression.

EL GHALI BENHIMA, observer for Morocco, said King Hassan II had demonstrated Morocco's adherence to the principles of the Universal Declaration of Human Rights. The referendum process in Western Sahara was continuing; the Security Council had adopted resolution 725 approving the efforts of the Secretary-General with regard to the territory. The Centre Europe-Tiers Monde had not seen fit to consult with a group of former high-ranking POLISARIO officials, who had gone back to their country, Morocco, and denounced the human rights violations in POLISARIO camps.

RICHARD SHIFTER (United States) said that the Blue Book quoted by China did not have a chapter on the United States because it was prepared at the request of Congress. It did not deal with domestic policy. However, information on the human rights situation in the United States was well documented and was available to all who required it.

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